



## **PLANNING COMMISSION REGULAR SESSION AGENDA**

**Monday, March 13, 2023 - 7:00 PM**

**City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365**

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All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or [e.glover@newportoregon.gov](mailto:e.glover@newportoregon.gov).

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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### **1. CALL TO ORDER AND ROLL CALL**

*Commission Members: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.*

### **2. APPROVAL OF MINUTES**

**2.A Approval of the Planning Commission Regular Session Meeting Minutes of February 27, 2023.**

[Draft PC Reg Session Minutes 02-27-2023](#)

**3. CITIZENS/PUBLIC COMMENT**

*A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.*

**4. ACTION ITEMS**

**5. PUBLIC HEARINGS**

**5.A File No. 1-CUP-23 / 1-ADJ-23: Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

[Staff Report](#)

[Attachment A - Application Form](#)

[Attachment B - Lincoln County Assessor Property Reports](#)

[Attachment C - Lincoln County Assessor Map](#)

[Attachment D - Application Narrative](#)

[Attachment E - Site Plan and Elevations, Received March 2, 2023](#)

[Attachment F - Survey of the Existing Property](#)

[Attachment G - Zoning Map of the Area](#)

[Attachment H - Aerial and Topographic Map of the Area](#)

[Attachment I - Images of Abbey Hotel](#)

[Attachment J - Public Hearing Notice](#)

[Attachment K - Letter from Janine LaFranchise, Received March 6, 2023](#)

[Attachment L - Apollo's Nightclub, Attachment A-I, File #4-CUP-06](#)

[Attachment M - Resolution No. 3864](#)

[Charlotte Boxer Public Testimony, March 10, 2023](#)

[John Baker, Bay View Condo Owners Assoc. Public Testimony 3-13-23](#)

[Adriana Buer Public Testimony 3-13-23](#)

[Charlotte Boxer Public Testimony-Additional Signatures 3-13-23](#)

[Elizabeth Reyes, Family Promise of Lincoln County Public Testimony 3-13-23](#)

[Gervacio Castillo Public Testimony 3-13-23](#)

[Charlotte Boxer Additional Public Testimony 3-13-23](#)

[Mary Young, Latta's Fused Glass Public Testimony 3-13-23](#)

[Tom Briggs Public Testimony 3-13-23](#)

[Karla Clem, Pacific Communities Health District Foundation Public Testimony 3-13-23](#)

**6. NEW BUSINESS**

**7. UNFINISHED BUSINESS**

**7.A Planning Commission Work Program Update.**

[PC Work Program - 03-06-23](#)

**8. DIRECTOR COMMENTS**

**9. ADJOURNMENT**

***Draft* MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**February 27, 2023**

**Planning Commissioners Present:** Bill Branigan, Bob Berman, Jim Hanselman (*by video*), Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of February 13, 2023.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of February 13, 2023 with minor corrections. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of January 23, 2023.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of February 13, 2023 as written. The motion carried unanimously in a voice vote.

3. **Action Items.** None were heard.

4. **Public Comment.** None were heard.

5. **Public Hearings.** At 7:03 p.m. Chair Branigan opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Branigan called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File 1-CP-23: Amendment to the "History" Element of the Comprehensive Plan (1886 Building):**

Tokos acknowledged the article in the Newport News-Times concerning the amendments to the Comprehensive Plan and the status of the 1886 building. He noted this article would be added to the record. Tokos reviewed the staff report and the history of the 1886 Building.



Berman pointed out the thought was to come back to the discussion on amending the language for historical buildings, and he didn't want the Commission to lose track on this. He requested that the discussion be added to the schedule in the near future. Tokos would work it into the work program.

Fire Chief, Rob Murphy addressed the Commission. He reported they were notified about the condition of the 1886 building and was given the Building Official's report. They also received the engineering report and made contact with the owners who allowed them to do a walkthrough of building. Murphy explained that it was common for the Fire Department to work in conjunction with the Building Official to determine if a building or structure fell under the dangerous building code. Murphy's crews did a walkthrough of the building, reviewed the reports, and came to the same conclusion as the Building Official. They determined there were serious concerns for the structural integrity of the building and its ability to withstand collapse with any significant fire situation. There was also a concern about the close proximity of exposures on either side of the building. Murphy reported that he directed his crews to not enter the structure if there were any fires. A heavy fire in the building would be challenging to address because there was an extremely high chance that the building could collapse in a fire. Murphy explained that he sent a report that dictated the Fire Department's findings and what they were doing internally to make sure their fire fighters were aware of the situation. They had also prepared an operational plan for the building. Murphy reported they had contacted dispatch and flagged the building as well. He reiterated that the Building Official's report was detailed, spoke to the structural deficiencies of the building, and clarified the Fire Department's concerns.

**Proponent:** Carter McEntee addressed the Commission. He stated he was there as a representative for Mo's Enterprises and was present to answer any questions.

Urdike asked when the structure would be demolished if the ordinance was approved. Tokos reported the intent was to draft this as an emergency ordinance. The City Council would have their hearing on March 20th and the ordinance would become effective immediately if approved. Tokos explained that at that point a demo permit could be issued. McEntee reported that as soon as the demo permit was issued they would have people there the next day to demolish the building.

The hearing was closed at 7:27 p.m.

Urdike stated he was in favor of the draft. East was also in favor of the draft and would recommend it to the City Council for approval.

Berman agreed with the Commissioners and expressed concerns about the possibility that the city would incur liability by encouraging the Historical Society to go into an unsafe building. Tokos noted the Building Official stated it was unsafe to occupy the building. It's wouldn't be unsafe for people to go in there for short durations to carry out specific functions. Tokos explained this had been done in a number of cases and what the Historical Society wanted to do in coordination with the owner. Berman asked if there was liability insurance on the building. McEntee reported that they currently had liability insurance on the building. Berman wanted to also point out that he thought the language about preservation not being required due to poor condition, and what the Historical Society wanted to do with the building, did not belong in the Comprehensive Plan. He thought the Commission should give a favorable recommendation to the Council.

Hanselman was originally concerned about the liability, but thought the explanation had comforted his concerns. He agreed with Berman on the language change. Hanselman thought it was important to do something so this building so it was less of a dangerous situation.

Escobar thought this was an issue of public safety and the Commission should approve it. He was in favor of a demolition of the building.

Blom was in favor and felt there was enough information that had been included in the report. She liked hearing that the owners would build a new building that would have the same consistency of other buildings in the bayfront area.

Branigan stated he agreed with the draft amendments.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to forward a favorable recommendation for File 1-CP-23 to the City Council. The motion carried unanimously in a voice vote.

Escobar asked if the owners had photos the Historical Society could utilize. McEntee explained they didn't have photos but would escort the Historical Society when they did their walk through. Tokos reported they were waiting on the asbestos report to be done before they could do the walkthrough to take photos.

## **6. New Business.**

### **A. Oregon Land Use Planning Fundamentals for Elected Officials and Planning Commissioners Training Opportunity.**

Tokos reported the training course would happen in March and if any of the Commissioners were interested in attending the city could coordinate registration for them.

### **B. Communication from Commissioner Escobar - Oregonian Article Related to State Housing Legislature.**

Tokos acknowledged the article from the Oregonian that Escobar submitted that related to some fast track legislation that was going through the Oregon legislature currently. He reported this had been merged into a dash 11 set of amendments that they called House Bill 2001. Tokos pointed out that the League of Oregon Cities (LOC) would be opposing this. There were provisions that would need to be sorted out if it was adopted. The Chair of the Committee said that there would be a second bill that would clean up some of the language in the fast track bill, which would be considered part of the same legislative session. Tokos explained they didn't know exactly what that meant, but the general tenor of this was to take more discretionary elements out of the process, particularly for residential construction. They were also trying to create an avenue where the state could get directly involved if they thought a jurisdiction wasn't working hard enough to facilitate the construction of needed housing.

Berman asked if the LOC was going to oppose HB 2001 or just part of it. Tokos assumed they were against the dash 11 amendments of it. He would find out why and let the Commission know.

## **7. Unfinished Business. None were heard.**

**8. Director Comments.**

Berman reported that the next budget cycle would be kicking off the following day and pointed out that public input was highly desired. He asked the Commission to consider giving their thoughts on some of the potential provisions for the budget, and to think about this in their other interactions with the city.

**9. Adjournment.** Having no further business, the meeting adjourned at 7:43 p.m.

Respectfully submitted,

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Sherri Marineau  
Executive Assistant

Case File: #1-CUP-23/1-ADJ-23  
 Date Filed: February 9, 2023 (Complete March 2, 2023)  
 Hearing Date: March 13, 2023/Planning Commission

## PLANNING STAFF REPORT

### Case File No. 1-CUP-23 / 1-ADJ-23

- A. **APPLICANT:** John Lee, 13635 NW Cornell Road, Suite 100, Portland, OR 97229 (applicant). Elsinore Investments, LLC, 1855 SW Teton Ave, Tualatin, OR 97062 (owner).
- B. **REQUEST:** Approval per Chapter 14.03.080(18)/“Water-Dependent and Water-Related Uses” of the Newport Municipal Code (NMC) for a conditional use permit to replace the former location of Forinash Gallery, Shark’s Restaurant, M&P Thai Restaurant and Apollo’s Night Club with a new 47 room, 26,656 sq. ft. three-story hotel, with 2,626 sq. ft. of street level commercial space. Adjustments are also being requested to adjacent yard buffer, off-street parking, and compact parking dimensional standards.
- C. **LOCATION:** 836, 838, 844, 846, 848, 852, & 856 SW Bay Blvd.
- D. **LEGAL DESCRIPTION:** Lots 2, 3, & 4, Block 1, Plan of Newport, including a portion of a vacated alley, together with Parcels 1 and 2 of Partition Plat 1999-18 (Assessor’s Map 11-11-08-CA, Tax Lots 2500, 2501, 2800, and 3300).
- E. **LOT SIZE:** Approximately 17,424 sq. ft. per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**
  - 1. **REPORT OF FACT**
    - a. **Plan Designation:** Yaquina Bay Shoreland.
    - b. **Zone Designation:** W-2/“Water-Related.”
    - c. **Surrounding Land Uses:** Tourist-oriented retail (north), tourist-oriented retail and fish processing (east), condominiums (west), and Coast Guard operations (south).
    - d. **Topography and Vegetation:** The property is relatively level having been cleared for development in the past. A large retaining wall exists near the west property boundary, with the finished grade of the condominiums to the west being 20-25 feet above that of the subject site. A small amount of landscaping exists at the southwest corner of the property. Otherwise, the property is largely devoid of vegetation.
    - e. **Existing Structures:** Forinash Gallery (1,224 sq. ft.) and Shark’s Restaurant (978 sq. ft.). Apollo’s Night Club/M&P Thai Restaurant (8,256 sq. ft.) was demolished in 2020.
    - f. **Utilities:** All are available to the site.

g. **Development Constraints:** Geologic hazards area.

h. **Past Land Use Actions:**

File No. 1-CUP-20 – Approval of Basics Public Market, a new 11,859 square foot mixed-retail, light industrial building. The facility was to include 3,000 sq. ft. of retail market space, 2,000 sq. ft. of restaurant space, and 6,859 sq. ft. of industrial space for food production. Project did not move forward.

File No. 1-TSP-11 – Approval of a temporary structures permit for a 20-ft x 30-ft tent and fenced area to expand Apollo's footprint during the Seafood and Wine Festival. Approved 2/7/11.

File No. 4-CUP-07. Permitted a 335 sq. ft. portion of the Apollo's Nightclub building for use of a real estate office. Approved 6/4/07.

File No. 4-CUP-06. Permitted 600 sq. ft. of the Apollo's Night Club building for use as a retail gift shop. Approved 4/24/06.

File No. 9-CUP-03. Approved use of the building at 836-848 SW Bay Blvd as a restaurant and bar (i.e. Apollo's Night Club).

File No. 6-PAR-99. Approved a partition creating the parcels upon which Forinash Gallery and Shark's Restaurant are situated. Affects 852, & 856 SW Bay Blvd. Approved 8/4/99.

File No. 2-CUP-91. Permitted the remodeling and retail use of buildings located at 852 & 856 SW Bay Blvd. Approved 3/11/91.

i. **Notification:** Notification to surrounding property owners and to city departments/public agencies announcing the new public hearing date was mailed on February 22, 2023; and notice was published in the Newport News-Times on March 3, 2023.

j. **Attachments:**

Attachment "A" – Application Form

Attachment "B" – Lincoln County Assessor Property Reports

Attachment "C" – Lincoln County Assessor Map

Attachment "D" – Application Narrative

Attachment "E" – Site Plan and Elevations, Received March 2, 2023

Attachment "F" – Survey of the Existing Property

Attachment "G" – Zoning Map of the Area

Attachment "H" – Aerial and Topographic Map of the Area

Attachment "I" – Images of Abbey Hotel

Attachment "J" – Public Hearing Notice

Attachment "K" – Letter from Janine LaFranchise, Received March 6, 2023

Attachment "L" – Apollo's Nightclub, Attachment A-1, File #4-CUP-06

Attachment "M" – Resolution No. 3864

2. **Explanation of the Request:** Pursuant to Chapter 14.03.080(18)/“Water-dependent and Water-related Uses” of the Newport Municipal Code (NMC), uses that are permitted outright in a C-2/“Tourist Commercial” zoning district require a conditional use permit to be located in a W-2/“Water-Related” zoning district.

The applicant is requesting a conditional use permit to construct a three-story, 26,656 sq. ft. hotel. The main hotel services will be on the second and third floors. General retail / food and drinking establishment uses will be provided on the first floor behind the retail storefronts. A roof deck will be incorporated into the design and it will be 2,075 sq. ft. in size. Sales oriented general retail, hotels/motels, and eating and drinking establishments are permitted outright in a C-2 zone district (NMC 14.03.070(2)(a) and (2)(d)).

The applicant is further seeking adjustments to certain dimensional standards applicable to their project, more particularly described as follows:

- Approval of a 40% adjustment to the adjacent yard buffer, reducing it to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft. adjacent yard buffer per NMC 14.18.020.
- Approval of a 30% reduction in parking (17 stalls). The applicant notes that City parking standards in NMC 14.14.030 require that they provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. The applicant notes that they are providing 46 on-site parking stalls.
- Approval of a 13% adjustment to the maximum percentage of allowable compact stalls. NMC 14.14.060 allows 40% of the parking to be compact stalls (7.5 ft. wide by 15-ft long) which is 18 stalls. With this application, the applicant is requesting 6 additional stalls.

3. **Evaluation of the Request:**

- a. **Comments:** A letter was received from Janine LaFranchise on March 6, 2023, opposing the project out of a concern that traffic attributed to the project will lead to excessive congestion and adverse working conditions for the neighboring fish plants. She is also concerned that the 6-ft. buffer from the west property line will not leave sufficient room for the adjacent condominium development to maintain/repair the retaining wall that the condominium developer built on the property line (Attachment "K").
- b. **Adjustment Approval Criteria (NMC 14.33.050):**

- (1) That granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

- (2) That any impacts resulting from the adjustment are mitigated to the extent practical; and
- (3) That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and
- (4) That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

c. **Conditional Use Approval Criteria (NMC 14.34.050):**

- (1) The public facilities can adequately accommodate the proposed use.
- (2) The request complies with the requirements of the underlying zone or overlay zone.
- (3) The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.
- (4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

d. **Planning Commission Review Required:**

- (1) *NMC Section 14.33.030(B), requires that a development request seeking to deviate more than 10%, but less than or equal to 40%, from a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.*

The applicant is seeking a 40% reduction to the 10 ft. adjacent yard buffer required per NMC 14.18.020, a 30% reduction in the number of required off-street parking spaces, and a 13% increase in the maximum percentage of allowed compact spaces. Each of the requested adjustments is within the range that requires Planning Commission approval.

- (2) *Per NMC 14.34.030, an application for a Conditional Use Permit shall be processed and authorized using a Type II decision making procedure where specifically identified as eligible for Type II review elsewhere in this Code or when characterized by the following:*
  - (i) *The proposed use generates less than 50 additional trips per day as determined in the document entitled Trip Generation, an informational report prepared by the Institute of Traffic Engineers; and*

*(ii) Involves a piece(s) of property that is less than one (1) acre in size. For an application involving a condominium unit, the determination of the size of the property is based on the condominium common property and not the individual unit.*

*All other applications for Conditional Uses shall be processed and authorized as a Type III decision making procedure.*

A 47 room hotel/motel (ITE Code 320) will typically generate 265 daily trips. Specialty Retail Centers (ITE 814) cover retail uses that account for a range of tourist-oriented activities. For a 2,626 sq. ft. commercial space, this amounts to 116 daily trips. In total, the proposed development is anticipated to generate 381 daily trips. Presently the property is not generating any vehicle trips, as the Forinash Gallery and Shark's Restaurant buildings are vacant, and the M&P Thai Restaurant and Apollo's Nightclub were demolished in 2020. Consequently, the proposal exceeds the 50 vehicle trip per day limit for a Type II staff level review.

Previous development on the property included a combination of 1,824 sq. ft. of Specialty Retail Center use (ITE 814), 878 sq. ft. of Sit-Down Restaurant space (ITE 932), 5,338 sq. ft. of a Drinking Establishment (ITE 925), 400 sq. ft. of General Office (ITE 710), 725 sq. ft. of Light Industrial (ITE 110) and 1,293 sq. ft. of Warehouse space (ITE 150). Collectively these activities were expected to generate 268 daily trips, resulting in a difference of 113 trips. Therefore, even considering prior development on the subject property, this proposal will generate more than 50 additional trips per day.

The property is less than 1 acre in size per Lincoln County assessment Records (Attachment "B"). Planning Commission review under a Type III decision making procedure is required given the number of anticipated vehicle trips attributed to the proposed development.

e. **Compliance with Adjustment Approval Criteria (NMC 14.33.050):**

To grant the permit, the Planning Commission must find that the applicant's proposal meets the following criteria.

*(1) Granting the adjustment will equally or better meet the purpose of the regulation to be modified:*

In regard to this criterion, the Planning Commission must consider whether the applicant has sufficiently demonstrated that granting the adjustments will equally or better meet the purpose of the regulation to be modified.



- i. NMC 14.18.020, Adjacent Yard Buffer, stipulates that *“on any portion of a site in a non-residential zone that abuts a residential zone, a minimum interior yard of 10 feet planted and maintained as a landscaped screen shall be required.”* A zoning map of the property shows that the west property line of the subject property serves as a boundary between the W-2/“Water Related” non-residential zone and the R-3/“Medium Density Multi-Family” residential zone (Attachment "G"). This is the only portion of the property that borders a residential zone, and is the only property line from which the applicant is subject to a building setback since the W-2 zone does not otherwise have required setbacks (Table “A,” NMC 14.13.020).
- ii. In their narrative, the applicant indicates that the adjacent yard buffer is intended to provide visual screening between residential and commercial buildings, which can be effective on level sites. They point out; however, that the current site sits approximately 12 feet lower than the residential site that is supported by a retaining wall, which doesn't meet the physical conditions for which the code is intended. The applicant notes that they are not opposed to providing landscaping, but that they would prefer to provide it in an area where it would be more effective. A 6 foot setback from the west property line allows the applicant to shift their building footprint back 4 feet along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. They note that it will soften up the urban edge and create a more dynamic pedestrian/street experience.
- iii. In addition, the applicant notes that they are proposing to build a 6 to 8 foot high wall along the 6 foot west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. They point out that visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.
- iv. The enclosed utility and terrain map supports the applicant's point that there is significant grade separation between the two properties (Attachment "H"), and it would be reasonable for the Commission to find that such terrain warrants a reduced setback because it provides comparable visual relief. Further, it is relevant for the Commission to consider whether or not it is practical to attempt to establish screening vegetation along the west property line because the area is constrained between a retaining wall on the west and any kind of building that would

be constructed on the property, depriving the space of sunlight for significant portions of the day. This is evident on the zoning map, which shows the shadow pattern from the previous development (Attachment "G"). The previous development was a two-story building that was setback roughly 25 feet from the west property line to provide room for paved parking between the retaining wall and building. Lastly, the Commission can consider the existing development pattern along the Bayfront, much of which is similarly situated with R-3 zoned land being situated upslope, and adjacent to W-2 zoned properties. There is no visible evidence of a landscape buffer existing in these areas. Many of the W-2 properties, such as the one immediately north of the applicant's property (on the zoning map) are built to the property line given the constrained amount of land available for development along the Bayfront. Terrain provides visual relief for upslope residential properties that face the bay for the view (and would likely object to screening that could obstruct their views). Thus, it would be reasonable for the Commission to conclude that authorizing the adjustment would not create conditions on the ground that are inconsistent with the existing development pattern.

- v. A comment was received that a 6 foot setback on the west side of the property will impede any maintenance or repair of the existing wall. This is not a factor that the Commission can consider when determining whether or not an adjustment should be granted as it is not relevant to the purpose behind the adjacent yard buffer. The wall was constructed as part of the condominium development, and the condominium association appears to be the party responsible for its maintenance. A survey of the applicant's property shows that, for the most part, the wall is on the common property line; however, a portion of it encroaches a few feet onto the applicant's property (Attachment "F"). A maintenance easement is typically acquired when one wants to use another's property to maintain their own. In this case it does not appear that an easement was ever obtained. The applicant is proposing to construct a new wall six feet from the existing retaining wall because they are concerned that the existing wall may fail and damage their property. While six feet of separation between walls may not be an ideal width, it does provide a means of meaningful access for both parties to maintain their improvements. If the Commission is inclined to approve the application, staff suggests it provide the applicant the option of reconstructing or reinforcing the existing retaining wall in partnership with the condominium association, as that would provide a more desirable outcome (i.e. a single wall that can be more readily maintained, and would avoid the need for two walls with unusable space between them).

- vi. With respect to the applicant's request for a 30% reduction in parking (17 stalls), they note that when applying the off-street parking ratios in NMC 14.14.030, they would be required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). They further note that the commercial spaces on the ground floor will require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. They are currently providing 46 on-site parking stalls.
- vii. The purpose section of the City's off-street parking requirements is set out in NMC 14.14.010, which reads as follows:

*"The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport."*

The Bayfront is a special parking area, the boundary of which is set in NMC 14.14.100, and graphically depicted with Council Resolution No. 3864 (Attachment "M"). Section 4 of Resolution No. 3864 provides:

*"NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14)."*

The lead language in NMC 14.14.030, provides context for how the City should apply ratios for calculating required off-street parking. It reads in relevant part:

*"For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the*

required parking shall be based on the increase of the new use."

The Commission should consider these provisions in aggregate when weighing whether or not *"Granting the adjustment will equally or better meet the purpose of the regulation to be modified."*

- viii. If the prior use of the property, which consisted of the former Forinash Gallery, Shark's Restaurant, M&P Thai Restaurant and Apollo's Nightclub had not been discontinued in 2020, with the nightclub being demolished that same year, then the amount of off-street parking provided by the applicant would satisfy the requirements of NMC Chapter 14.14 and there would be no cause for them to seek an adjustment.

The applicant's narrative pulled parking analysis from File No. 1-CUP-20, where the Commission approved a conditional use permit for Basics Market. That analysis showed that the existing use at the time had a parking credit of 49 spaces, which was broken down as follows:

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Existing Buildings / Uses (Parking Credit - 49 spaces)	
Forinash Gallery (NMC General Retail - 1 space / 300sf)	- 1,224sf = 4.1 Spaces
Shark Restaurant (NMC Eating and Drinking Establishments - 1 space/ 150sf)	- 878sf = 5.9 Spaces
Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces/ 1,000sf)	- 100sf = 0.2 space
Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf)	- 5,338sf = 35.6 Spaces
Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces/ 1,000sf)	- 625sf = 0.9 space
Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space/ 600sf)	- 600sf = 1.0 Space
Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space/ 600sf)	- 400sf = 0.7 space
Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf)	- 1,293sf = 0.6 space

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Those uses, like most on the Bayfront, relied heavily on on-street parking to meet its needs. A conditional use permit approved in 2006 indicated that there were 20 off-street parking spaces (Attachment "L"). This was generous, considering that parking to the rear of the building was never striped as depicted with that approval (as evidenced with the 2018 Aerial Image, Attachment "G") and was difficult to access. That said, assuming 20 off-street spaces were available, that accounted for approximately 40% of the parking need with the remaining 60% being met with available on-street spaces.

- ix. The hotel and commercial uses included with the applicant's proposal generate a need for up to 63 off-street spaces, 48 being attributed to the hotel at a ratio of one off-street space per unit, plus one for a manager. The balance is associated with retail (at a ratio of 1 space, per 300 sq. ft. of floor area) or eating and drinking establishments (at 1 space, per 150 sq. ft. of floor area). With a 49 space credit, the applicant would be required to provide 16 off-street spaces, in addition to the 20 that had been

previously provided (36 total). The 46 that they are providing is well above that requirement. It is relevant to note that this does not account for the five (5) spaces they would be able to deduct per Resolution No. 3864. Applicant's 46 off-street spaces account for roughly 70% of their parking demand with the remaining 17 parking spaces, or 30% of their demand, being met with available on-street spaces. Quantifiably, applicant's proposal will have a lower impact on demand for available on street spaces than the previous uses.

- x. As noted, the previous uses were discontinued in 2020 when the owner of the property was positioning it for redevelopment as Basics Market, and the Planning Commission can reasonably conclude that credit for the previous uses is no longer available. The applicant's request for an adjustment assumes that to be the case. When factoring in the 5 parking spaces the applicant is exempt from having to provide per Resolution No. 3864, the actual request is a 20.7% adjustment to off-street parking requirements, from 58 to 46 spaces.
- xi. The Bayfront special parking area was setup so that uses would not have to provide off-street parking to meet 100% of their parking demand. The fish plants that Ms. Lafranchise Attachment "K") notes would be adversely impacted by congestion attributed to this proposal provide no off-street parking for their employees or guests. They rely entirely on available public parking. Evidence in the record, and noted above, establishes that the applicant's proposal would have less of an impact on the availability of on-street parking, and associated congestion, relative to the previous mix of uses that existed on the property just a few years ago. This would be a reasonable approach that the Commission could take when determining whether or not *"Granting the adjustment will equally or better meet the purpose of the regulation to be modified."* The former Forinash Gallery, Shark's Restaurant, and M&P Thai Restaurant faced Bay Boulevard and guests/employees relied upon public parking. The Apollo's Night Club provided 20 off-street, which met a portion of its need, and the aggregate impact of these uses on available on-street public parking was a demand for 29 spaces. The applicant is situating their new commercial space in a similar manner as the prior use, with parking for the second and third story hotel being met on-site. The spill over, or demand, on available on-street spaces is 17 stalls, which is significantly less than the previous use and is a reasonable basis upon which the Commission could conclude that the adjustment is warranted.

- xii. The applicant is seeking a 13% increase in the maximum percentage of allowable compact stalls. NMC 14.14.060 provides:

*“For parking lots of five vehicles or more, 40% of the spaces may be compact spaces measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compact" in letters that are at least six inches high.*

The mix of standard to compact spaces for a particular use, should be tailored to an applicant's clientele and the vehicles they are likely to drive. Structured parking, such as this, is easier for an owner to control, in terms of who is utilizing the spaces and they can advise guests of the limitations of their parking arrangements. The applicant's site plan shows that they are providing a full width drive isle (at 23-ft) which mitigates concerns about adequate area for vehicle turn movements. Considering that the off-street parking is largely concealed and confined to areas behind and under the building, it is likely that use of the space would be limited to hotel guests, and it would be reasonable for the Commission to require the owner advise guests of their parking limitations. The Commission could also ask the applicant for additional information as to why a larger percentage of compact spaces is appropriate. Alternatively, the Commission could encourage the applicant to reconfigure the lot with fewer compact spaces, and less spaces total, meaning that more of their parking demand would be met with available on-street spaces. This would be justifiable given that the applicant is accommodating a larger number and percentage of their parking need off-street than the previous use of the property.

- xiii. Considering the above, it is reasonable for the Planning Commission to conclude that granting the adjustments will equally or better meet the purpose of the regulation to be modified.

(2) *That any impacts resulting from the adjustment are mitigated to the extent practical:*

- i. It would be reasonable for the Commission to find that the terrain difference between the condominium development to the west and applicant's property mitigates impacts associated with setback reduction from 10-feet to 6-feet. The attached aerial and topographic map illustrate that the applicant's property is 10-12 feet below the lowest elevation of the residential property to the west (Attachment "H"). The condominium building is a further 5-feet higher in elevation and its first floor is dedicated to parking (another 10-feet +/-). This equates to roughly a 25-foot difference in vertical elevation between condominium living

areas and the finished grade of the property. That is the equivalent of a significant amount, and age, of landscape screening were the properties at similar elevations. The same principal applies to other residential properties to the west, which are even further away from applicant's property.

- ii. Mitigation is not needed relative to the applicant's request for an adjustment to the required amount of off-street parking since the Bayfront parking area has on-street parking that is provided for the purpose of meeting the additional parking demand from businesses in the area.
- iii. A condition of approval requiring the applicant advise guests of the parking limitations attributed to their off-street parking is a reasonable step to mitigate limitations associated with the lot having a higher percentage of compact spaces than the City's parking code would typically allow.
- xiv. Considering the above, it is reasonable for the Planning Commission to conclude that the applicant's project adequately mitigates impacts to neighboring properties, as conditioned.

*(3) That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access:*

- i. The subject property borders SW Bay Street and SW Bay Boulevard and a hydrant is in place at the intersection of those streets, adjacent to the applicant's property (Attachment "H"). The applicant's elevation drawings (Sheet A-6, Attachment "E") shows that the new building will be setback almost 16-feet from the existing retaining wall and 9-feet from the wall that the applicant intends to construct. Chief Murphy, with the Newport Fire Department, confirmed that the applicant's plans, with the adjacent yard buffer adjustment, provide for adequate fire access. There are no utilities in place where the adjacent yard buffer is to be reduced. The requested adjustments to the amount of required parking and the percentage of permissible compact parking spaces do not impact access to the property for fire suppression or the installation and maintenance of utilities.
- ii. Given the above, it is reasonable for the Planning Commission to conclude that granting the adjustment will not interfere with utility or fire access.

*(4) That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.*

- i. The analysis above considers the effect of the requested adjustments and, when taken in aggregate, is sufficient to establish that the cumulative effect of the adjustments is consistent with the overall purpose of the zoning district, which is to support water-related uses and, with conditional use approval, uses that are retail/entertainment oriented in nature.

f. **Compliance with Conditional Use Approval Criteria (NMC 14.34.050):**

To grant the permit, the Planning Commission must find that the applicant's proposal meets the following criteria.

(1) *The public facilities can adequately accommodate the proposed use.*

- i. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets and electricity. All public facilities are available and serve the property.

The applicant notes that the site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. They note that there was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Consequently, the applicant asserts that due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

- ii. As shown on the applicant's site plan (Attachment "E") and the aerial and topographic Map (Attachment "H"), street and sidewalk access to this developed site is available off SW Bay Boulevard. This public street is a fully improved, paved collector roadway. The Planning Commission may accept this information as sufficient evidence that street and sidewalk access to the property is adequate. The City provides water service to the site via a 12-inch main in SW Bay Boulevard. Sewer service is provided by a 10-inch gravity line in SW Bay Boulevard. Storm drainage is collected in catch basins and directed under SW Bay Boulevard to the bay. The existing facility utilizes these services. The services have been sized to accommodate regional development in the area, including industrial users such as the fish plants along SW Bay Boulevard and the Commission can rely upon the presence of these utilities to establish that the water, sewer, and storm drainage services are adequate to support the proposed uses. Electric service is available to the existing building.
- iii. Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the retail use.



(2) The request complies with the requirements of the underlying zone or overlay zone.

- i. This criterion addresses requirements of the underlying or overlay zone. Each zoning district includes “intent” language. For the W-2 district, it includes the following:

*“All conditional uses in a W-2 district shall also comply with the following standard: In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality.” (NMC 14.03.040)*

- ii. The applicant has provided architectural renderings, elevation drawings, and signage details (Attachment "E"). This gives Planning Commission members a clear sense of how the new building will look when it is completed.
- iii. The applicant acknowledges that the Bayfront area falls into this category, as it is historic, unique, and scenic. They note that the proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism.
- iv. The applicant points out that nearby is the site of the historic "Hotel Abbey" which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. The applicant proposes to name the new building "Hotel Abbey" and has designed the structure in a similar manner to reflect the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."
- v. Applicant's site plan and exterior elevations (Attachments "E") illustrate that the building will be three stories high with a 35-foot peak height, which is the maximum building height allowed in the W-2 zone district (Table "A," NMC 14.13.020). Elevator shafts and other mechanical enclosures are permitted to extend above 35-feet per NMC 14.10.020(A) provided they do not exceed 5% of the main building footprint or 200 sq. ft., whichever is less. The applicant's site plan does not include dimensions for the elevator shaft and related appurtenances, so

it would be reasonable for the Commission to include a condition that stipulates the enclosures must adhere to these requirements.

- vi. The orientation and mass of the proposed building, its exterior appearance, roof line, and the placement of the elevator shaft give the building a look that is similar to the original "Hotel Abbey." Images of the Hotel Abbey are included with Attachment "I." The building was constructed in 1911 and lost as a result of a fire in 1964. Like the current proposal, the Hotel Abbey included commercial on the ground floor, with hotel rooms on the second and third floors. As the photos show the Bayfront then, like it is now, was a mix of one, two, and three-story structures, and it is reasonable for the Commission to rely upon historic imagery such as this to conclude that the applicant's proposal to construct a three story mixed use building, with main floor commercial and hotel uses on the upper floors, is consistent with the historic, unique, or scenic quality of the area. This includes the fact that hotel lodging has historically been a type of use on the bayfront.
- vii. This is a subjective approval standard, and if Commission members feel that there are aspects of the design that are out of place, then it would be appropriate to point them out so that the applicant may respond.

(3) *The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.*

- i. This criterion relates to the issue of whether the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as including, but not being limited to, the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood. Adequate off-street parking, or the lack thereof, may also be considered by the Commission under this criterion.
- ii. The applicant indicates that they believe the proposed replacement building will not adversely impact nearby properties. They point out that the use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the site as well as the other nearby establishments along Bay Blvd. They further note that the appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. The applicant asserts that there will be no unreasonable noise, dust or loss of air

quality from the proposed building and they point out that the proposed use will have a lower parking demand than the previous use of the property (an assertion that is confirmed with analysis earlier in this report).

- iii. The proposed mass and height of the building is consistent with what exists on other W-2 zoned properties. This zone allows lot coverage of up to 90% with no setbacks other than the adjacent yard buffer previously discussed and a 35-foot maximum building height (Table “A, NMC 14.13.020). The applicant is adhering to these requirements. The Commission might receive testimony that the proposed building could obstruct the view of the bay from nearby properties, and that this constitutes an “adverse impact.” This would be a potential adverse impact only if the applicant were seeking to exceed the permissible building height, which is not the case with this application.
- iv. Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied.

(4) *A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.*

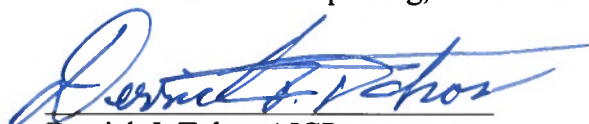
- i. The applicant notes that, the proposed building will comply with allowable heights permitted outright per zoning code. They further assert that the design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The applicant points out that the hotel building has been designed to create variation both in the horizontal and vertical planes of the front facade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Lastly, the applicant notes that commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.
- ii. The applicant may need to adjust aspects of the exterior design to comply with building codes, fire codes, and other public health and safety regulations, including accessibility requirements. It is unlikely though that such changes would materially impact size or height of the building. If that does happen, then it would be appropriate for the Commission to require a new conditional use permit, and a condition to that effect is included below.

iii. Given the above, it is reasonable for the Planning Commission to find that the use will be consistent with the overall development character of the neighborhood regarding building size and height.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Zoning Ordinance for granting a conditional use permit, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, and cannot comply with the imposition of reasonable conditions, then it should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application to replace the former Forinash Gallery, Shark's Restaurant, M&P Thai Restaurant and Apollo's Night Club with a new a new 47 room, 26,656 sq. ft. three-story hotel, with 2,626 sq. ft. of street level commercial space, can satisfy the approval criteria for a conditional use provided conditions are imposed as outlined below.

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
2. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.
3. The square footage of the elevator enclosure and related appurtenances shall not exceed 5% of the area of the main building footprint or 200 sq. ft., whichever is less.
4. Applicant may construct a 6 to 8-ft. wall parallel to the existing retaining wall in the location shown on the site plan and exterior elevations (Attachment "E") or they may elect to reconstruct or reinforce the existing retaining wall in partnership with the neighboring condominium association.
5. The hotel shall inform guests via their website or other similar means of the limitations of the on-site parking, and restrict vehicles that are too large to be accommodated.



Derrick I. Tokos AICP  
Community Development Director  
City of Newport

March 10, 2023

# City of Newport Land Use Application

PLEASE PRINT OR TYPE - COMPLETE ALL BOXES - USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s): <b>John Lee</b>		Property Owner Name(s): <b>Elsinore Investments LLC</b>	
Applicant Mailing Address:  <b>13635 NW Cornell Rd, Suite 100 Portland, OR 97225</b>		Property Owner Mailing Address: <b>18555 SW Teton Avenue Tualatin, OR 97062</b>	
Applicant Telephone No.: <b>503-765-5556; jlee@vipgroup.com</b>		Property Owner Telephone No.: <b>(503) 805-7805</b>	
E-mail: <b>jlee@vipgroup.com</b>		E-mail: <b>Charlie.eggert@keystone-pacific.com</b>	
Authorized Representative(s):			
Authorized Representative Mailing Address:			
Authorized Representative Telephone No.:		E-Mail:	

## Project Information

Property Location: <b>836 - 856 SW Bay Blvd., Newport, OR</b>	
Tax Assessor's Map No.: <b>11-11-08-CA-02800-00, -02500, -02501</b> Tax Lot(s): <b>R394965, R392623, R510871</b>	
Zone Designation: <b>W-2/C-2</b>	Legal Description:
Comp Plan Designation:	
Brief Description of Land Use Request(s): <ol style="list-style-type: none"> <li>1. Demolish existing 1-story buildings</li> <li>2. Construction of new 3-story hotel with 47 rooms (26,656 SF) with commercial space on street level (2,626 SF)</li> <li>3. Add landscape planting and seating along Bay Blvd street frontage.</li> </ol>	
Existing Structures: <b>1-story buildings</b>	
Topography and Vegetation:	

## APPLICATION TYPE (please check all that apply)

<input type="checkbox"/> Annexation	<input type="checkbox"/> Interpretation	<input type="checkbox"/> UGB Amendment
<input type="checkbox"/> Appeal	<input type="checkbox"/> Minor Replat	<input type="checkbox"/> Vacation
<input type="checkbox"/> Comp Plan/Map Amendment	<input type="checkbox"/> Partition	<input checked="" type="checkbox"/> Variance/Adjustment
<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Planned Development	<input checked="" type="checkbox"/> PC
<input checked="" type="checkbox"/> PC	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Staff
<input type="checkbox"/> Staff	<input type="checkbox"/> Shoreland Impact	<input type="checkbox"/> Zone Ord/Map Amendment
<input type="checkbox"/> Design Review	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Other _____
<input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Temporary Use Permit	

## FOR OFFICE USE ONLY

File No. Assigned: _____		
Date Received: _____	Fee Amount: _____	Date Accepted as Complete: _____
Received By: _____	Receipt No.: _____	Accepted By: _____

(SEE REVERSE SIDE)

Community Development &amp; Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

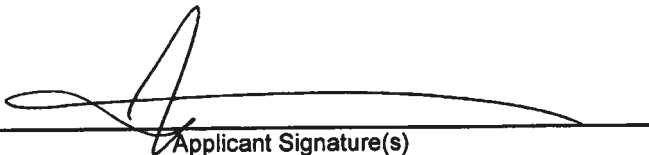
CITY OF NEWPORT

MAR 02 2023

RECEIVED

**I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development & Planning Department Staff Report concerning the applicable criteria.**

**I certify that, to the best of my knowledge, all information provided in this application is accurate.**

  
Applicant Signature(s)

  
Property Owner Signature(s)

\_\_\_\_\_  
Authorized Representative Signature(s)

2/6/23  
Date Signed

2/9/2023 | 11:41 AM PST  
Date Signed

\_\_\_\_\_  
Date Signed

***Please note application will not be accepted without all applicable signatures.***

***Please ask staff for a list of application submittal requirements for your specific type of request.***

## LINCOLNPROD PROPERTY RECORD CARD

Attachment "B"

1-CUP-23 / 1-ADJ-23

Property ID: R510871

Map and Taxlot: 11-11-08-CA-02501-00

Tax Year: 2023

Run Date: 3/8/2023 1:32:07 PM

## PROPERTY SITUS ADDRESS

56 SW BAY BLVD  
Maintenance Area: 5-09

## OWNER NAME AND MAILING ADDRESS

LSINORE INVESTMENTS LLC  
3555 SW TETON AVE  
UALATIN, OR 97062

## LEGAL DESCRIPTION

.P. 1999-18, PARCEL 1, ACRES 0.07,  
OC201812362

## GENERAL PROPERTY INFORMATION

Prop Class: 201  
NBH Code: N216  
Prop Type Code: COM  
Prop Code: Z5: COMMERCIAL NEWPORT & LINC  
Next Appr Date:  
Next Appr Reason:  
Last Appr Date: 03/30/2010  
Appraiser: PAB, PAB  
Zoning: W-2  
Code Area: 104  
Related Accts: P357500

## VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	135,180	206,310	341,490	233,290	
2021	130,430	135,860	266,290	226,500	
2020	118,580	120,770	239,350	219,910	
2019	118,580	120,770	239,350	213,510	
2018	118,580	95,610	214,190	207,300	
2017	118,580	95,610	214,190	201,270	

## ASSESSMENT INFORMATION

Land Non-LSU:	Land Non-LSU RMV:	Prior MAV:	Prior AV:	Except RMV:	CPR:
135,180	206,310	233,290	233,290		
Improvement:	341,490	Prior MAV Adj:		EX. MAV:	
Non-LSU RMV Total:		Prior AV Adj:		LSU:	
Land LSU:		AV +3%:	240,289	New M50 AV:	240,289
RMV Total:					

## SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
12/11/2018	27			SALE	WD WARRANTY DEE	201812362
09/09/1999	18			SALE	WD WARRANTY DEE	MF389-0895

Cres: 0.07 Sqft: 3245

Effective Acres: 0.07

## BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
------	-----------	------------	--------------	--------	---------

## PARCEL COMMENTS

enFlag- M\_09C,M\_10C  
enCom- JV#025 INPUT 8-29-00.  
rop-Note- 10NO,FORNASH GALLERY

## EXEMPTIONS

Code	Exempt RMV
------	------------

## Exceptions

Code	Year	Amount	Metho
NI	2010	23,980	
DV	2000	161,040	

## MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
S: COMMERCIAL DEV SITE	5BSF	SFT	0.070	35		1.140	1.140	129,480
SD: COMMERCIAL SITE DEV	NOSC	LT		5,000		1.140	1.140	5,700
Total Acres:			0.070			Total Market Land Value:		135,180

## LAND SPECIAL USE

Code	SAV	Unt	Pr	MSAV	Unt	Pr	LSU
Total LSU:							

## LINCOLNPROD PROPERTY RECORD CARD

Property ID: R392623

Map and Taxlot: 11-11-08-CA-02500-00

Tax Year: 2023

Run Date: 3/8/2023 1:34:00 PM

## PROPERTY SITUS ADDRESS

52 SW BAY BLVD  
Maintenance Area: 5-09

## OWNER NAME AND MAILING ADDRESS

LSINORE INVESTMENTS LLC  
3555 SW TETON AVE  
UALATIN, OR 97062

## LEGAL DESCRIPTION

.P. 1999-18, PARCEL 2, ACRES 0.03,  
OC201812701

## GENERAL PROPERTY INFORMATION

Prop Class: 201  
 NBH Code: N216  
 Prop Type Code: COM  
 Prop Code: Z5: COMMERCIAL NEWPORT & LINC  
 Next Appr Date:  
 Next Appr Reason:  
 Last Appr Date: 10/02/2008  
 Appraiser: PAB, BD  
 Zoning: W-2  
 Code Area: 104  
 Related Accts: P511261

## VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	53,780	112,050	165,830	107,550	
2021	51,890	73,790	125,680	104,420	
2020	47,180	65,590	112,770	101,380	
2019	47,180	65,590	112,770	98,430	
2018	47,180	51,930	99,110	95,570	
2017	47,180	51,930	99,110	92,790	

## ASSESSMENT INFORMATION

Land Non-LSU:	53,780	Prior MAV:	107,550	Except RMV:
Improvement:	112,050	Prior MAV Adj:		CPR:
Non-LSU RMV Total:	165,830	Prior AV:	107,550	EX. MAV:
Land LSU:		Prior AV Adj:		LSU:
RMV Total:	165,830	AV +3%:	110,777	New M50 AV:
				110,77

## SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
12/11/2018	13			SALE	CWD CORRECTION	201812701/2
02/15/2012	27			SALE	WD WARRANTY DEE	201201690
04/10/1991	33			SALE	MISC MISCELLANE	MF228-1270

## BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment

## PARCEL COMMENTS

enFlag- M\_09C  
 enCom- JV#025 INPUT 8-29-00.  
 rop-Note- SHARK'S SEAFOOD

## EXEMPTIONS

Code	Exempt RMV

## Exceptions

Code	Year	Amount	Metho
DV	2000	79,950	

## MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %
S: COMMERCIAL DEV SITE	5BSF	SFT	0.030	35	
SD: COMMERCIAL SITE DEVI	NOSC	LT		5,000	
Total Acres:			0.030		

NBHD %	Total Adj %	Final Value
1.140	1.140	48,080
1.140	1.140	5,700
Total Market Land Value:		53,780

## LAND SPECIAL USE

Code	SAV	Unt	Pr	MSAV	Unt	Pr	LSU
Total LSU:							



LINCOLNPROD PROPERTY RECORD CARD

roperty ID: R392623

Map and Taxlot: 11-11-08-CA-02500-00

Tax Year: 2023

Run Date: 3/8/2023 1:34:00 PM

COMMERCIAL IMPROVEMENTS																			
o.	Inst. ID	OAA Seg	Business Name	Occupancy	Class	Occ %	Stories	Hgt	Rank	Yr Blt	Eff Yr	Area	Perim	Adjustment Code-%	NBHD %	Total Adj %	RCNLD	MS Depr %	RMV
.1	2577670	MA		350-Restauri		100	1		2.0	1962		978			4.100	4.100	27,330		112,05
Total RMV:																			112,05

COMMERCIAL ADDITIONS				COMMERCIAL BASEMENTS				COMMERCIAL COMMENTS	
o.	Instance ID	Type	Desc	Value	No.	Instance ID	Bsmt Type	Area	Depth

## LINCOLNPROD PROPERTY RECORD CARD

Property ID: R394965

Map and Taxlot: 11-11-08-CA-02800-00

Tax Year: 2023

Run Date: 3/8/2023 1:34:18 PM

## PROPERTY SITUS ADDRESS

36 SW BAY BLVD  
Maintenance Area: 5-90

## GENERAL PROPERTY INFORMATION

**Prop Class:** 201  
**NBH Code:** N212  
**Prop Type Code:** COM  
**Prop Code:** Z5: COMMERCIAL NEWPORT & LINC  
**Next Appr Date:**  
**Next Appr Reason:**  
**Last Appr Date:** 01/13/2021  
**Appraiser:** PAB, KL  
**Zoning:** W-2  
**Code Area:** 104  
**Related Accts:** P440497, P520361, P523631,  
P524936, P524964, P525989,

## OWNER NAME AND MAILING ADDRESS

GGERT CHARLES W  
3555 SW TETON AVE  
UALATIN, OR 97062

## LEGAL DESCRIPTION

EWPORT, BLOCK 1, LOT 2,3 & PTN VAC  
LLEY, DOC201805535

## VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	331,000		331,000	331,000	
2021	319,390	0	319,390	319,390	
2020	290,350	327,630	617,980	617,980	
2019	290,350	327,630	617,980	617,980	
2018	290,350	259,380	549,730	549,730	
2017	321,500	286,840	608,340	608,340	

## ASSESSMENT INFORMATION

<b>Land Non-LSU:</b>	331,000	<b>Prior MAV:</b>	387,560	<b>Except RMV:</b>	
<b>Improvement:</b>		<b>Prior MAV Adj:</b>		<b>CPR:</b>	
<b>Non-LSU RMV Total:</b>	331,000	<b>Prior AV:</b>	331,000	<b>EX MAV:</b>	
<b>Land LSU:</b>		<b>Prior AV Adj:</b>		<b>LSU:</b>	
<b>RMV Total:</b>	331,000	<b>AV +3%:</b>	340,930	<b>New M50 AV:</b>	331,000

## SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
06/06/2018	34			SALE	WD WARRANTY DEE	201805535
04/30/2007	18			SALE	WD WARRANTY DEE	200706317
12/26/2003	29			SALE	WD WARRANTY DEE	200321923

**Acres:** 0  
**Sqft:**  
**Effective Acres:** 0

## BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
------	-----------	------------	--------------	--------	---------

## PARCEL COMMENTS

**enFlag-** M\_04C,M\_05C,M\_09C,M\_12C,M\_18C  
**enCom-** FOR 2006-07 BOPTA ORDER #R06-056 REDUCED THE RMV IMPS BY -\$105,200 TO \$273,010 FOR A NEW RMV TOTAL O  
**rop-Note-** APOLLO'S RESTAURANT /DEMOLISHED 1/15/2021  
**and-** PTO TL 3300

## EXEMPTIONS

Code	Exempt RMV
------	------------

## Exceptions

Code	Year	Amount	Metho
ADJ	2021	-437,320	
NI	2005	264,870	

## MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %
S: COMMERCIAL DEV SITE	5BSF	SFT	0.200	35	S-90
SD: COMMERCIAL SITE DEVI NOSC		LT		5,000	EFF-200
<b>Total Acres:</b>			<b>0.200</b>		

NBHD %	Total Adj %	Final Value
1.140	1.026	319,600
1.140	2.280	11,400
<b>Total Market Land Value:</b>		<b>331,000</b>

## LAND SPECIAL USE

Code	SAV	Unt	Pr	MSAV	Unt	Pr	LSU
<b>Total LSU:</b>							

## LINCOLNPROD PROPERTY RECORD CARD

Property ID: R399663

Map and Taxlot: 11-11-08-CA-03300-00

Tax Year: 2023

Run Date: 3/8/2023 1:34:42 PM

## PROPERTY SITUS ADDRESS

Maintenance Area: 5-09

## OWNER NAME AND MAILING ADDRESS

GGERT CHARLES W  
3555 SW TETON AVE  
UALATIN, OR 97062

## LEGAL DESCRIPTION

EWPORT, BLOCK 1, LOT 4, PTN OF & VAC  
LLEY, DOC201805535

## GENERAL PROPERTY INFORMATION

Prop Class: 200  
NBH Code: N212  
Prop Type Code: COM  
Prop Code: Z5: COMMERCIAL NEWPORT & LINC  
Next Appr Date:  
Next Appr Reason:  
Last Appr Date: 03/09/2018  
Appraiser: KL  
Zoning: W-2  
Code Area: 104  
Related Accts:

## VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	159,260		159,260	138,540	
2021	153,670	0	153,670	134,510	
2020	139,700	0	139,700	130,600	
2019	139,700	0	139,700	126,800	
2018	139,700	0	139,700	123,110	
2017	155,230	0	155,230	119,530	

## ASSESSMENT INFORMATION

Land Non-LSU:	159,260	Prior MAV:	138,540	Except RMV:
Improvement:		Prior MAV Adj:		CPR:
Non-LSU RMV Total:	159,260	Prior AV:	138,540	EX. MAV:
Land LSU:		Prior AV Adj:		LSU:
RMV Total:	159,260	AV +3%:	142,696	New M50 AV:

## SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
06/06/2018	34			SALE	WD WARRANTY DEE	201805535
04/30/2007	18			SALE	WD WARRANTY DEE	200706317
12/26/2003	29			SALE	WD WARRANTY DEE	200321923

Cres: 0 Sqft:

Effective Acres: 0

## BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
------	-----------	------------	--------------	--------	---------

## PARCEL COMMENTS

enFlag- M\_04C,M\_09C,M\_18C  
enCom- 2003-04 VALUES REDUCED BY BOPTA ORDER #R03-298 & R03-356 RMV LAND ONLY -\$20,280 TO \$114,880 NO CHG T  
rop-Note- 18YES,PTO APOLLO'S RESTAURANT  
and- PTO 2800

## EXEMPTIONS

Code	Exempt RMV
------	------------

## Exceptions

Code	Year	Amount	Metho
------	------	--------	-------

## MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %
SU: COM UNDEV SITE	5BSF	SFT	0.100	35	S-90
Total Acres:			0.100		

NBHD %	Total Adj %	Final Value
1.140	1.026	159,260
Total Market Land Value:		159,260

## LAND SPECIAL USE

Code	SAV	Unt Pr	MSAV	Unt Pr	LSU
Total LSU:					

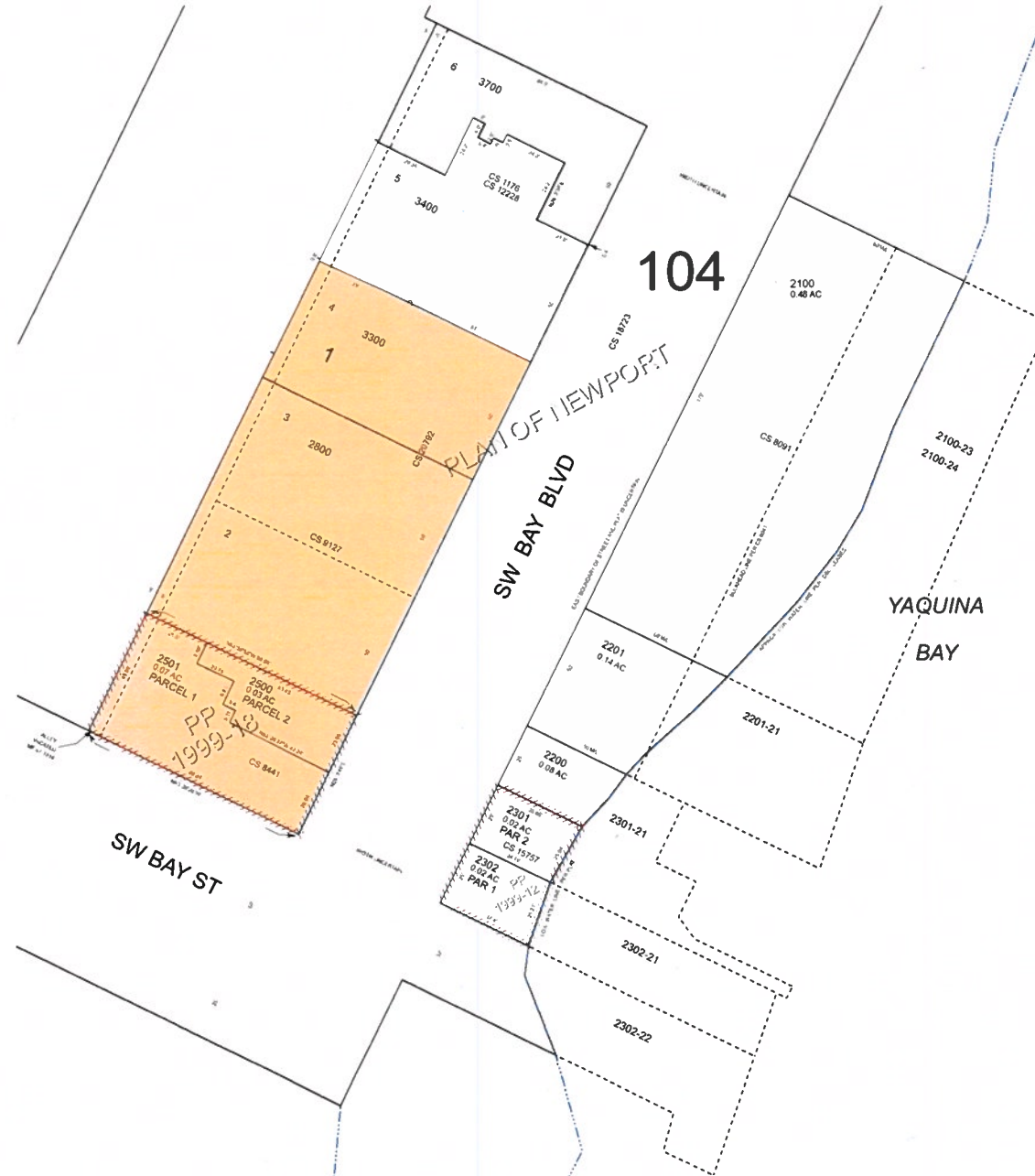
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet

DETAIL MAP NO. 1  
N.E.1/4 S.W.1/4 SEC.8 T.11S. R.11W. W.M.  
LINCOLN COUNTY  
1" = 30'

**Attachment "C"**  
1-CUP-23 / 1-ADJ-23

11 11 08 CA  
DETAIL MAP NO 1  
NEWPORT



Revised: SEB  
06/01/2021

NEWPORT  
DETAIL MAP NO 1  
11 11 08 CA

February 9, 2023

Attachment "D"  
1-CUP-23 / 1-ADJ-23

CITY OF NEWPORT

MAR 02 2023

RECEIVED

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: John Lee  
VIP Hospitality Group  
13635 NW Cornell Rd #100  
Portland, OR 97229

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Adjustment Request Letter

This letter is to describe the request for adjustments per application submittal requirements. The adjustment requests are as follows:

- 1) Request for a 40% reduction in the required yard buffer to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft 'adjacent yard buffer' per NMC 14.18.020 which is intended to provide visual screening between residential and commercial buildings on level sites. However, the current site sits approximately 12 ft lower than the residential site and is supported by a retaining wall which doesn't meet the physical conditions for which the code is intended. Hence, we are proposing to set the building back 4 ft along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. This will soften up the urban edge and create a more dynamic pedestrian/street experience.

In addition, we are proposing to build a 6 to 8 ft high wall along the 6 ft west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. Visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.

- 2) Request for a 30% reduction in parking (17 stalls). Per zoning code, we are required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. We are currently providing 46 on-site parking stalls.
- 3) Request for a 13% adjustment in maximum compact stalls. The zoning code allows 40% of the parking to be compact stalls which is 18 stalls. We are requesting to allow for 6 more compact stalls.

If approved, the request for adjustments stated above will allow for a mixed-use project that incorporates ground floor commercial space that will increase retail business activity and enhance the pedestrian and street experience. The adjustments will mitigate any impacts to the extent practical such as adequate lighting and privacy to adjoining properties, adequate access, topography, site drainage, significant vegetation, and drainage. The adjustments will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

February 9, 2023

Attn: Derrick I. Tokos  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

From: John Lee  
VIP Hospitality Group  
13635 NW Cornell Rd #100  
Portland, OR 97229

Project: 836-856 SW Bay Blvd.  
Newport, OR 97365

Re: Written findings of fact addressing the following criteria:

- 1) That the public facilities can adequately accommodate the proposed use.

The site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. There was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

- 2) That the request complies with the requirements of the underlying zone or overlay zone.

The proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism. Nearby is the site of the historic 'Hotel Abbey' which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. This hotel building, which will be called "Hotel Abbey" will serve as a reflection of the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."

- 3) That the proposed use does not have an adverse impact greater than the existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust or loss of air quality.)

The proposed building has no adverse impacts on the nearby properties. The use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the

site as well as the other nearby establishments along Bay Blvd. The appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. There will be no unreasonable noise, dust or loss of air quality from the proposed building. The current buildings and uses represent an occupancy and parking demand of 49 spaces and the proposed hotel use represents a slightly lower parking demand of 48 spaces (see breakdown below). The new facility will provide 46 off-street parking spaces.

**Existing Buildings / Uses (Parking Credit – 49 spaces)**

Forinash Gallery (NMC General Retail - 1 space / 300sf) - 1,224sf = 4.1 Spaces

Shark Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 878sf = 5.9 Spaces

Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces / 1,000sf) - 100sf = 0.2 space

Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf) - 5,338sf = 35.6 Spaces

Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces / 1,000sf) - 625sf = 0.9 space

Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space / 600sf) - 600sf = 1.0 Space

Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space / 600sf) - 400sf = 0.7 space

Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf) - 1,293sf = 0.6 space

**Proposed Building / Uses (Parking Demand New Building - 29 Spaces)**

Industrial Food Production Level 1 (NMC Industrial - 1.5 spaces / 1,000sf) - 6,859sf = 10.3 spaces

General Retail Market Level 1 (NMC General Retail - 1 space / 600sf) - 3,000sf = 5 Spaces

Food Court / Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 2,000sf = 13.3 Spaces

- 4) If the application is for a proposed building or building modification, that is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The proposed building will comply with allowable heights permitted outright per zoning code. The design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The hotel building has been designed to create variation both in the horizontal and vertical planes of the front façade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

- 5) A written statement describing the nature of the request:

The proposed 3-story building shall be comprised of approximately 22,656 sf for the hotel portion of the project. The main hotel services will be on the second and third floors. General retail / food and drink establishment shall comprise approximately 2,623 sf of space on the first floor. 46 parking spaces will be provided on the first floor behind the retail storefronts. The roof deck shall be 2,075 sf.




# HOTEL ABBEY

MIXED-USE HOTEL & RETAIL

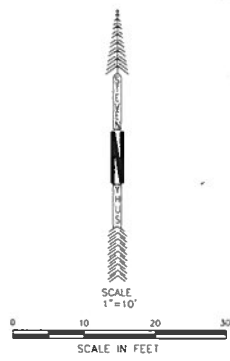
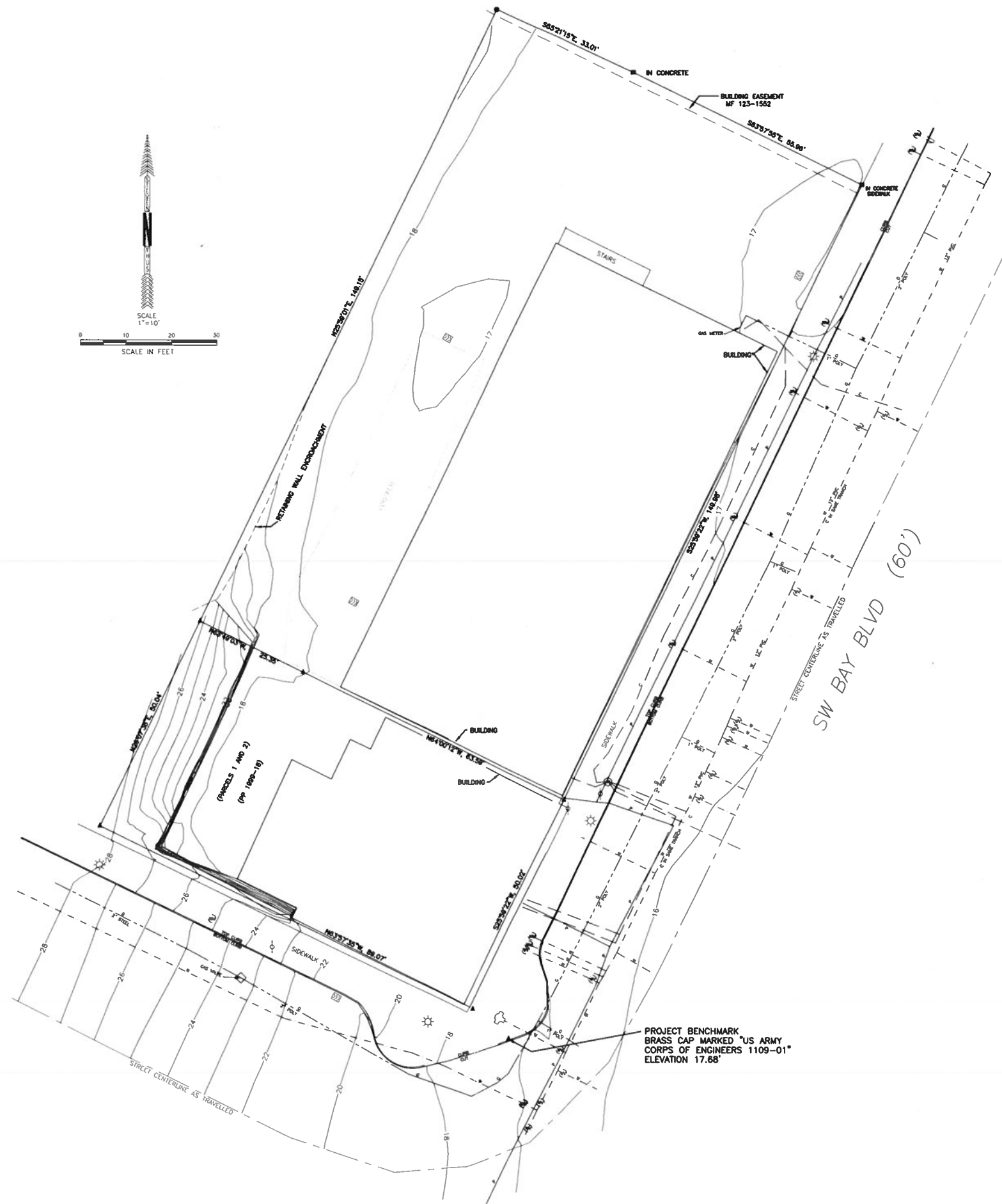
836 - 856 SW BAY BLVD  
NEWPORT, OREGON 97365

HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

PROJECT DIRECTORY	PARKING ANALYSIS	PROJECT DESCRIPTION	PROJECT INFORMATION	SHEET INDEX
<div>OWNER</div> <div>LC HOTEL LLC 13635 NW CORNELL RD SUITE 100 PORTLAND, OR 97229 TEL: 503.765.5552 CONTACT: JOHN LEE</div> <div>PLANNING &amp; DESIGN</div> <div>DENNY HAN 2067 HILDALE DRIVE LA CANA CA FURNITURE, CA 91011 T: 626-322-5464</div>	<div>PARKING REQUIRED</div> <div>HOTEL (47 GUEST ROOMS * 1) GENERAL RETAIL (1 PER 300 SF) OR FOOD &amp; ESTABLISHMENT (1 PER 150 SF) PARKING REDUCTION TOTAL REQUIRED</div> <div>- 48 - 8 - 16 - 5 - 51 OR 59 STALLS</div> <div>PARKING PROVIDED</div> <div>HANDICAP STANDARD COMPACT (54%) TOTAL PROVIDED</div> <div>- 2 - 19 - 25 - 46 STALLS</div>	<div>SCOPE OF WORK INCLUDES:</div> <div>1. DEMOLISH EXISTING 1-STORY BUILDINGS 2. CONSTRUCTION OF NEW 3-STORY BUILDING WITH 47 GUEST ROOMS &amp; ROOF DECK (2,075 SF) 3. ADD LANDSCAPE PLANTING &amp; SEATING ALONG BAY BLVD FRONTAGE</div> <div>PROPOSED BUILDING AREA:</div> <div>1ST FLOOR PLAN HOTEL COMMERCIAL SPACE 2ND FLOOR PLAN 3RD FLOOR PLAN TOTAL</div> <div>- 1,082 SF - 2,823 SF - 12,787 SF - 12,787 SF - 29,279 SF</div>	<div>ZONING</div> <div>LOT AREA</div> <div>TOTAL GUEST ROOMS</div> <div>- W-2 (C-2 OVERLAY) - .40 ACRES - 47</div>	<div>T-1 TITLE SHEET, PROJECT INFORMATION &amp; SITE PLAN A-1 FIRST FLOOR PLAN A-2 SECOND FLOOR PLAN A-3 THIRD FLOOR PLAN A-4 ROOF PLAN A-5 BUILDING ELEVATIONS A-6 BUILDING SECTION</div> <div>VICINITY MAP</div> <div></div> <div><div>CITY OF NEWPORT</div><div>MAR 02 2023</div><div>RECEIVED</div></div>

COVER SHEET

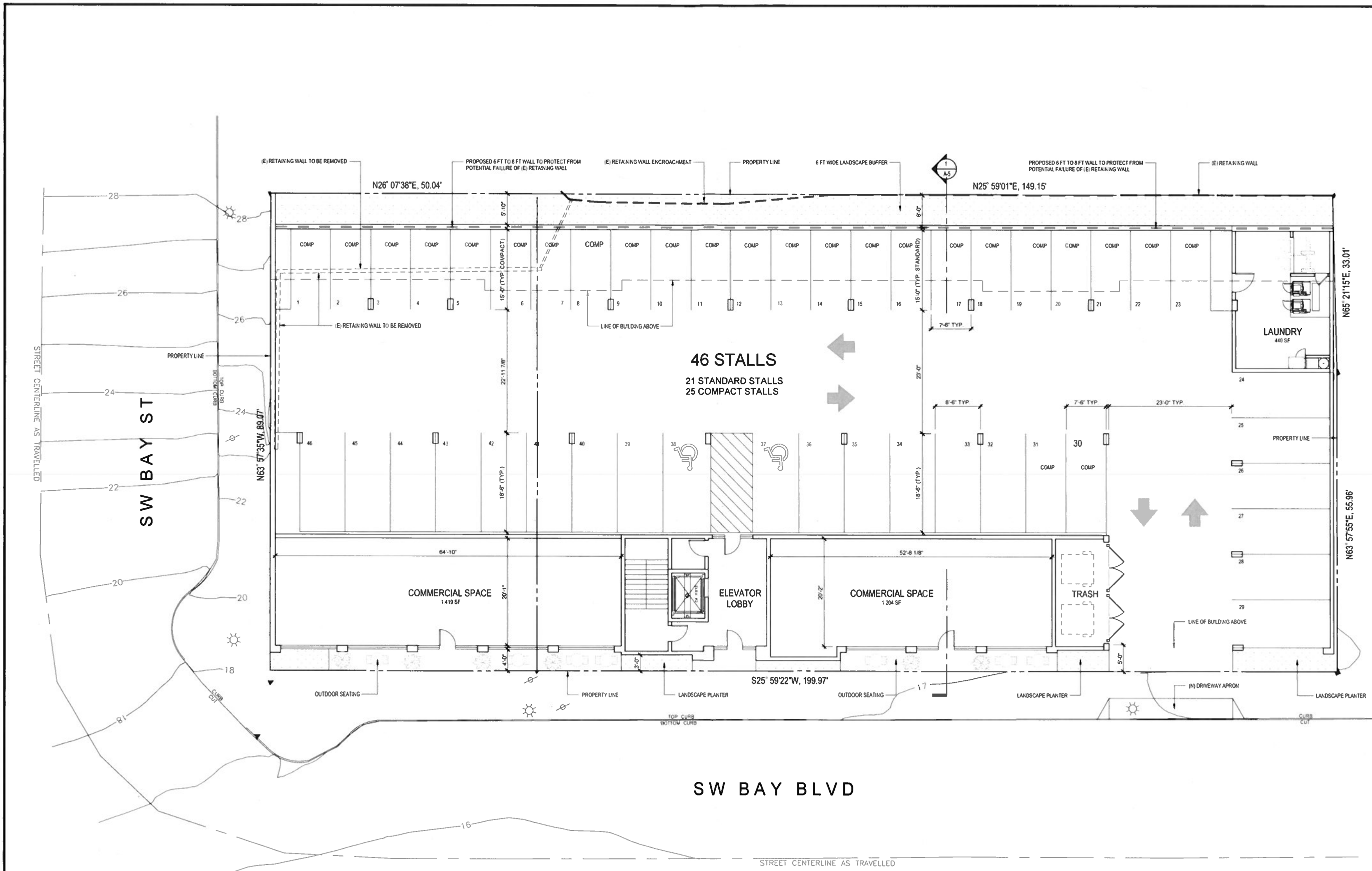
Date	FEBRUARY 9, 2023
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Drawn	
Approved	
Job	
Sheet	T-1
File Name	
Copyright	



HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

SURVEY

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-0
File Name	
Copyright	



1 FIRST (GROUND) FLOOR PLAN  
1/8"=1'-0"

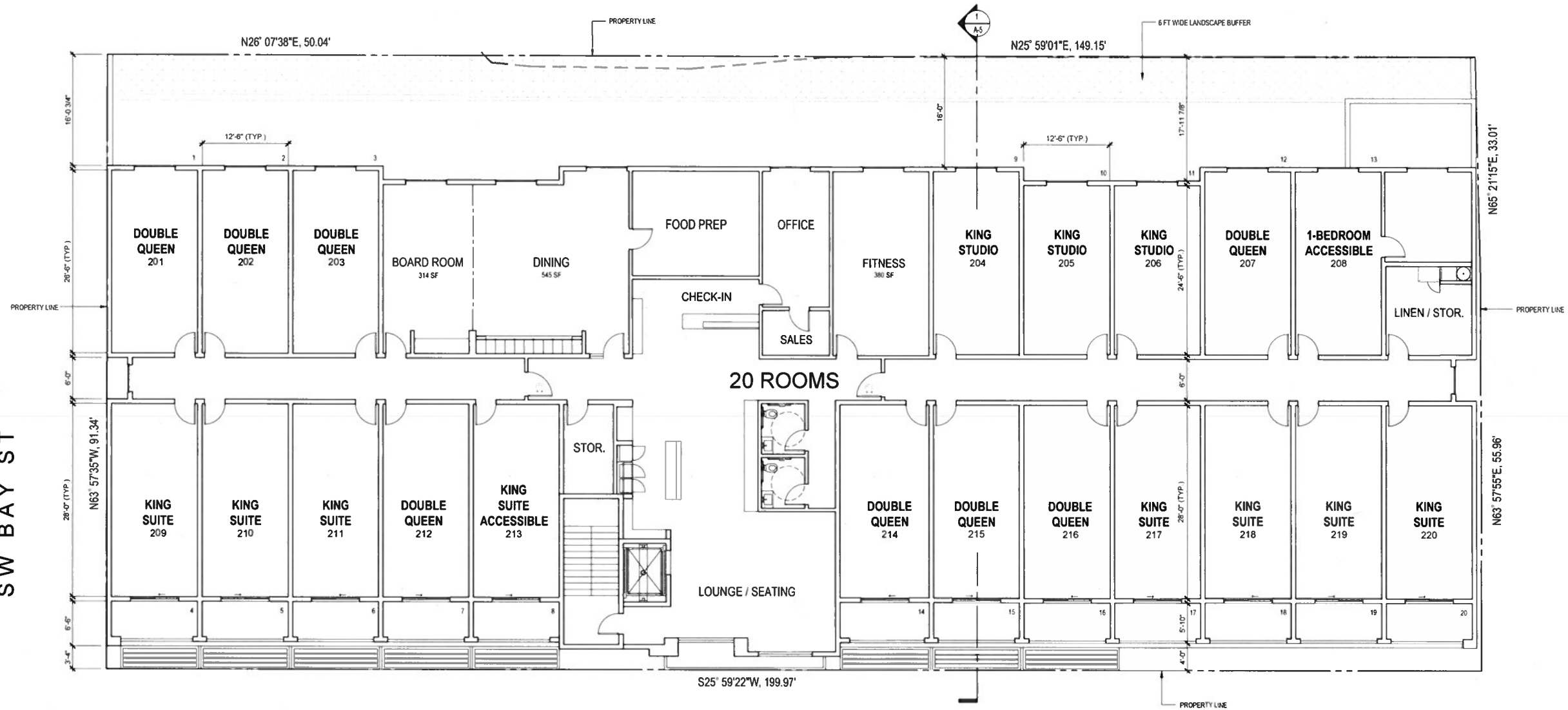


HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

FIRST FLOOR PLAN

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
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Job	
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File Name	
Copyright	

SW BAY ST



SW BAY BLVD

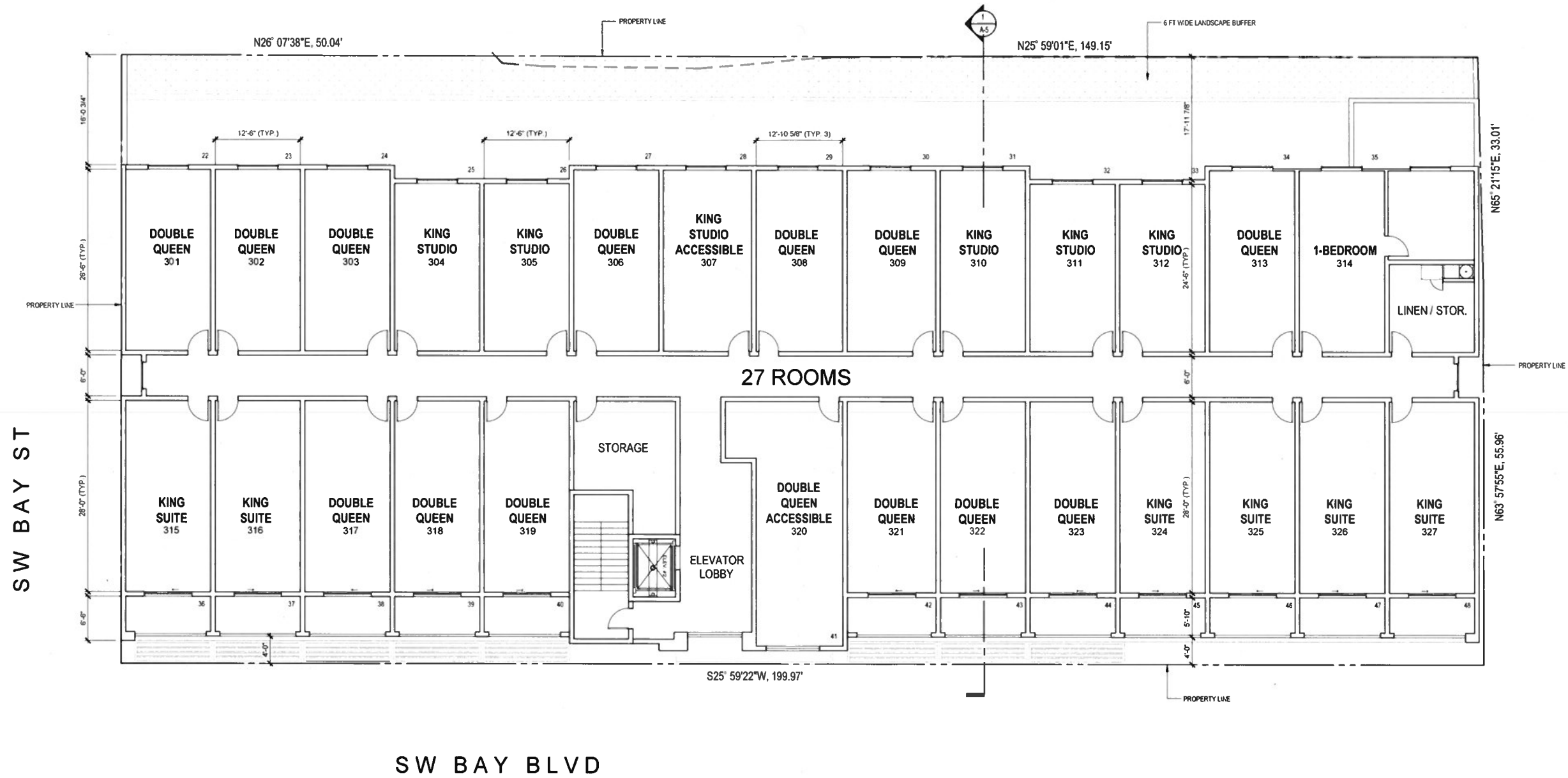
HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

SECOND FLOOR PLAN

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-2
File Name	
Copyright	

1 SECOND FLOOR PLAN  
1/8"=1'-0"





HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

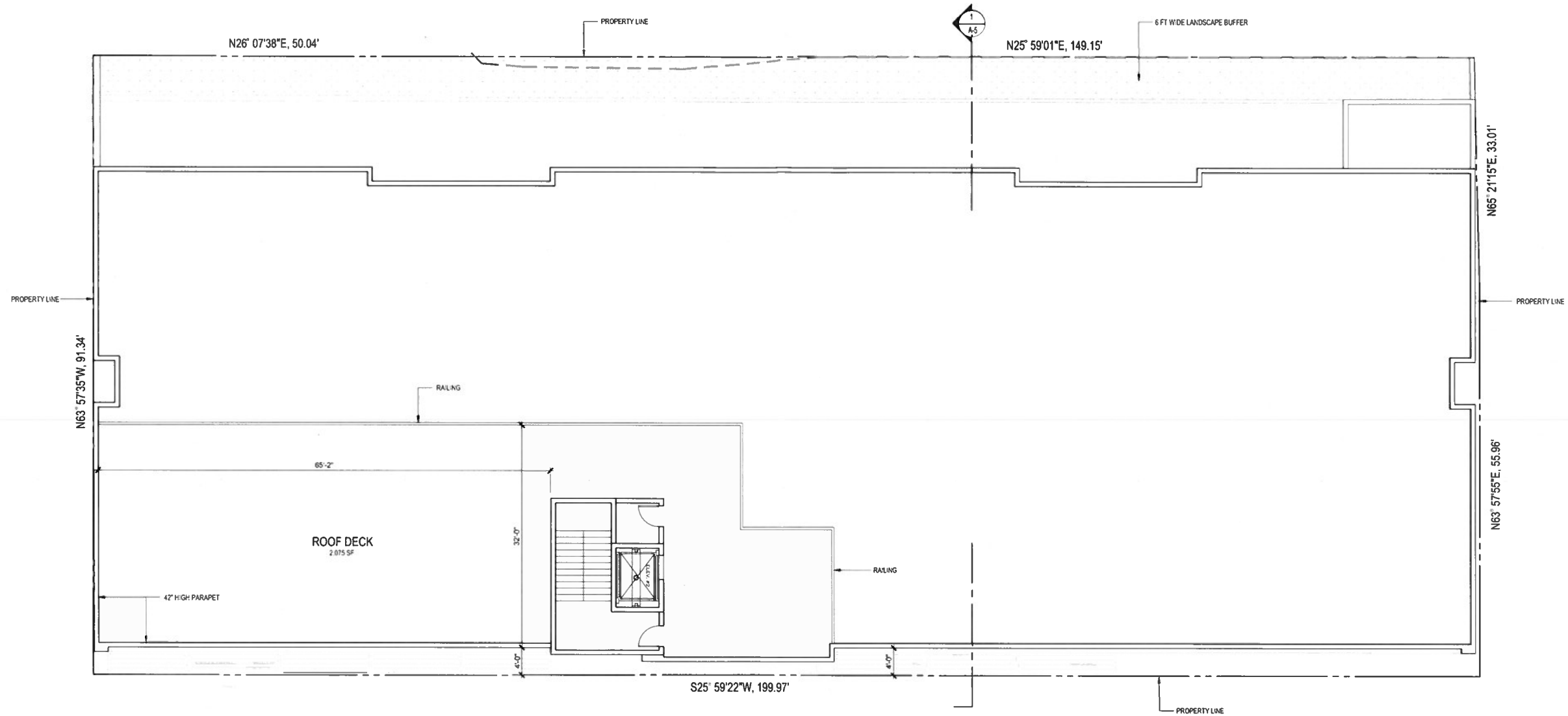
THIRD FLOOR PLAN

Date	FEBRUARY 9, 2023
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Approved	
Job	
Sheet	A-3
File Name	
Copyright	

1 THIRD FLOOR PLAN



SW BAY ST



SW BAY BLVD

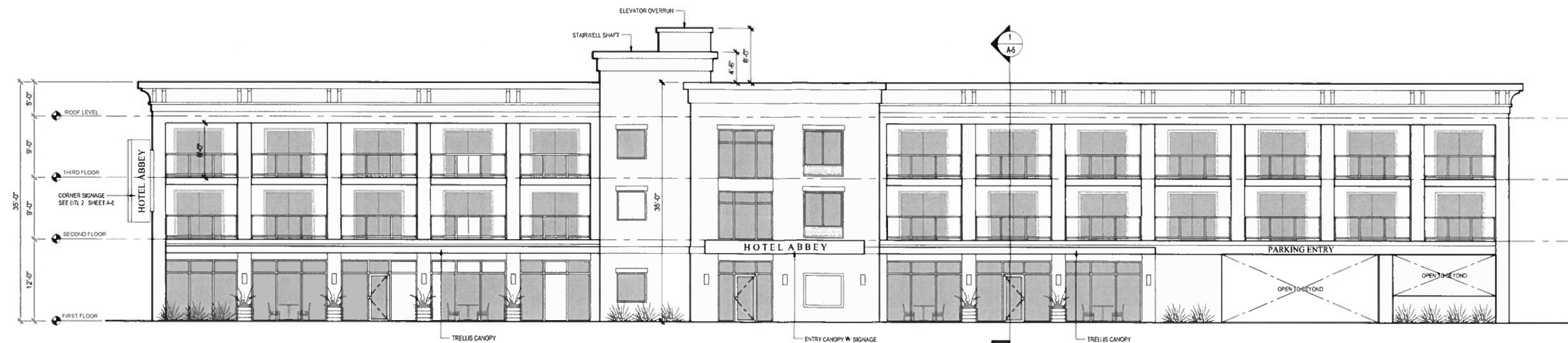
1 ROOF PLAN  
1/8"=1'-0"



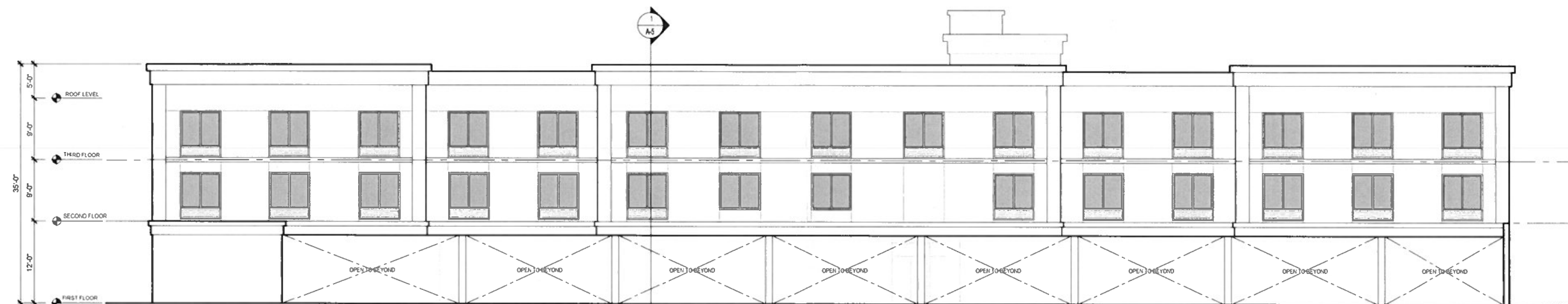
HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

FOURTH FLOOR PLAN

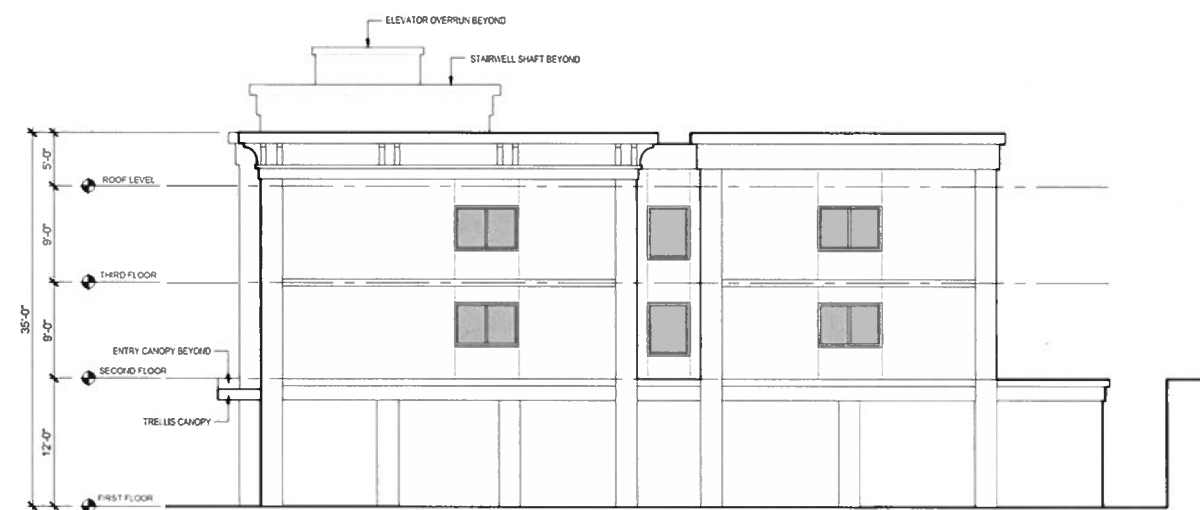
Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-4
File Name	
Copyright	



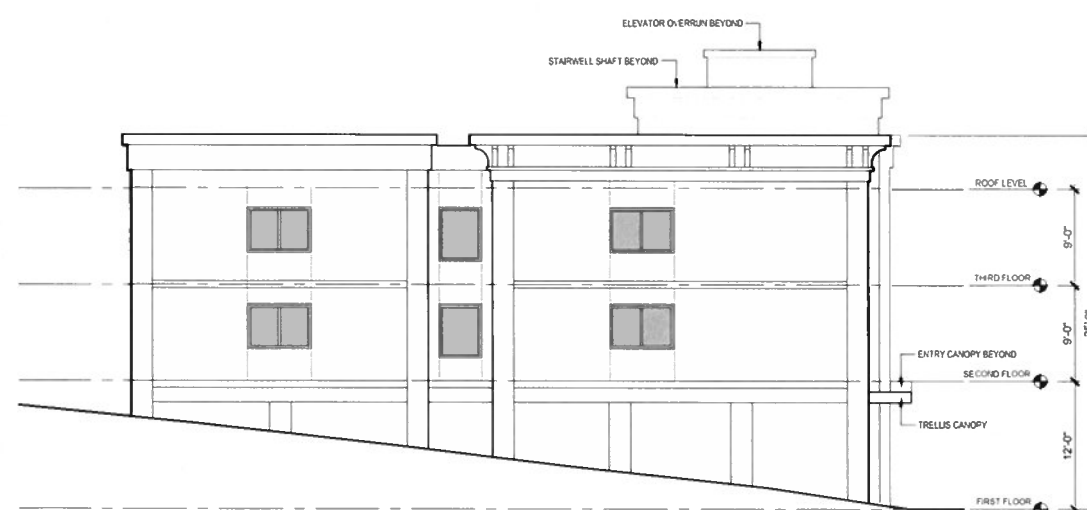
EAST BUILDING ELEVATION (BAY BLVD. FRONTAGE)  
3/32"=1'-0"



WEST BUILDING ELEVATION  
3/32"=1'-0"



NORTH BUILDING ELEVATION  
3/32"=1'-0"



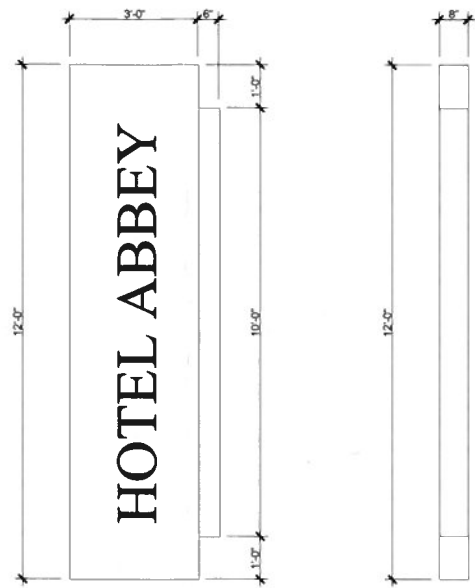
SOUTH BUILDING ELEVATION (BAY ST. FRONTAGE)  
3/32"=1'-0"

HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

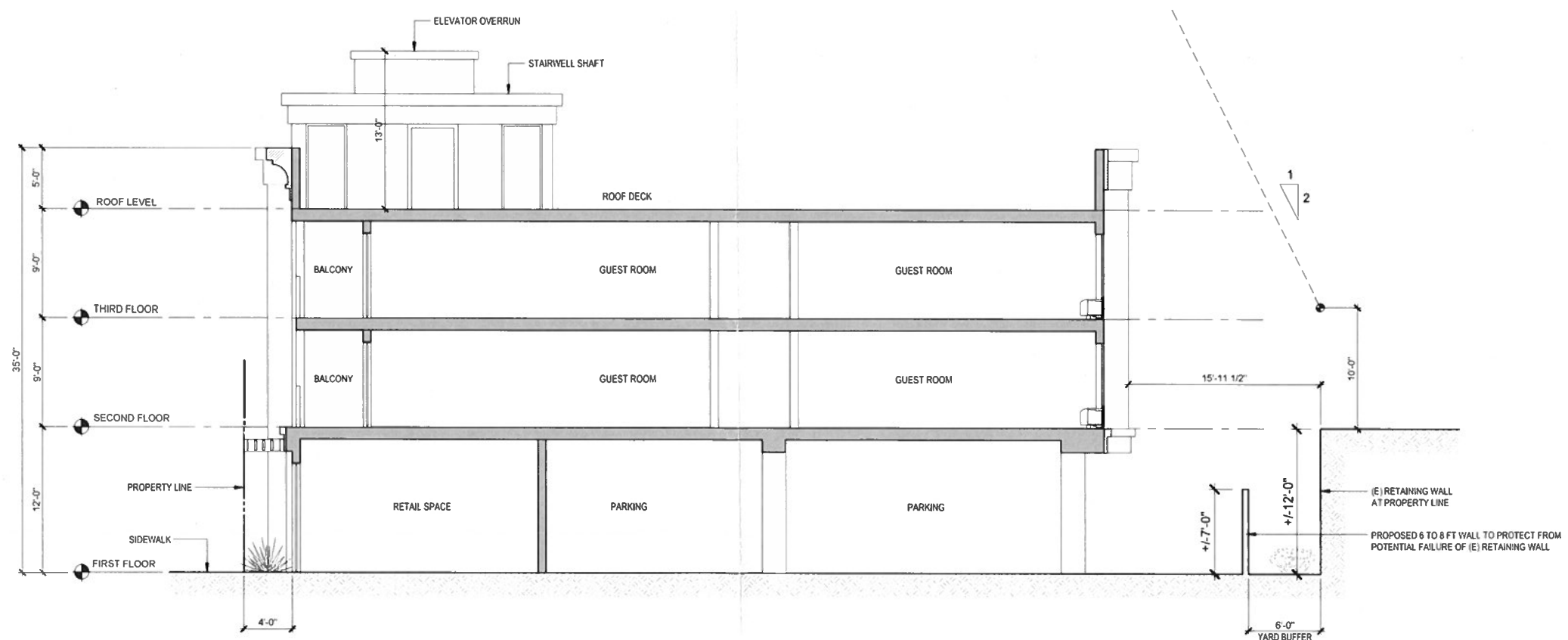
BUILDING ELEVATIONS

Date: FEBRUARY 9, 2023  
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Approved:  
Job:  
Sheet:  
**A-5**  
File Name:  
Copyright:





2 SIGNAGE  
1/2"=1'-0"



BUILDING SECTION  
3/16"=1'-0"

HOTEL ABBEY  
836 - 856 SW BAY BLVD  
NEWPORT, OR 97365

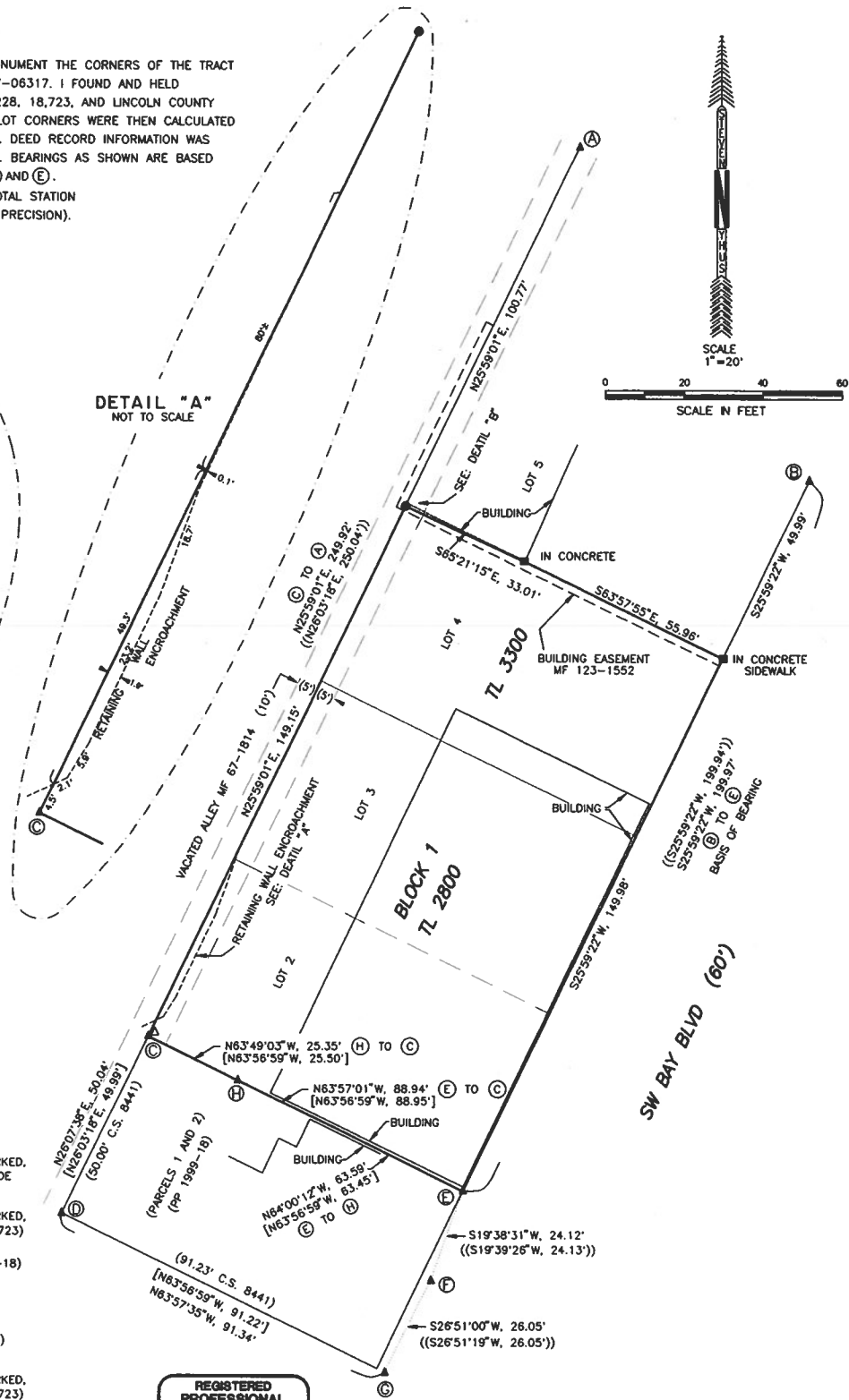
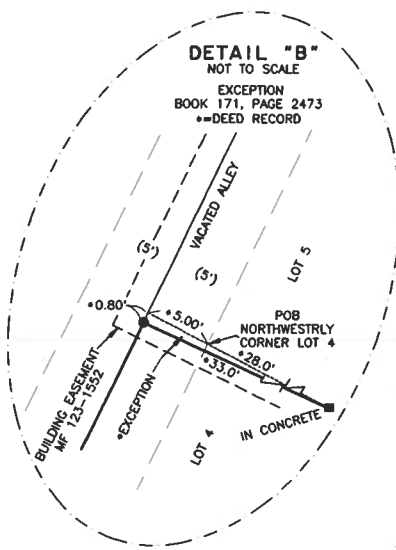
BUILDING SECTION AND SIGNAGE

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
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Approved	
Job	
Sheet	A-6
File Name	
Copyright	



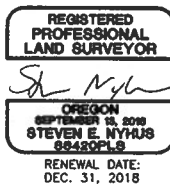
C.S. # 20792  
FILED 26 June 2018  
LINCOLN COUNTY SURVEYOR

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MONUMENT THE CORNERS OF THE TRACT DESCRIBED IN LINCOLN COUNTY DEED DOCUMENT 2007-06317. I FOUND AND HELD MONUMENTATION FROM LINCOLN COUNTY SURVEYS 12,228, 18,723, AND LINCOLN COUNTY PARTITION PLAT 1999-18 TO CONTROL THIS SURVEY. LOT CORNERS WERE THEN CALCULATED BASED UPON PROPORTION BETWEEN HELD MONUMENTS. DEED RECORD INFORMATION WAS USED TO CALCULATE THE EXEMPTION FROM THE TRACT. BEARINGS AS SHOWN ARE BASED ON THE C.S. 18,723 RECORD BETWEEN MONUMENTS (B) AND (C). THIS SURVEY WAS PERFORMED USING A LEICA TS11 TOTAL STATION (3" ANGULAR PRECISION, 1 MM ± 1.5 PPM DISTANCE PRECISION).



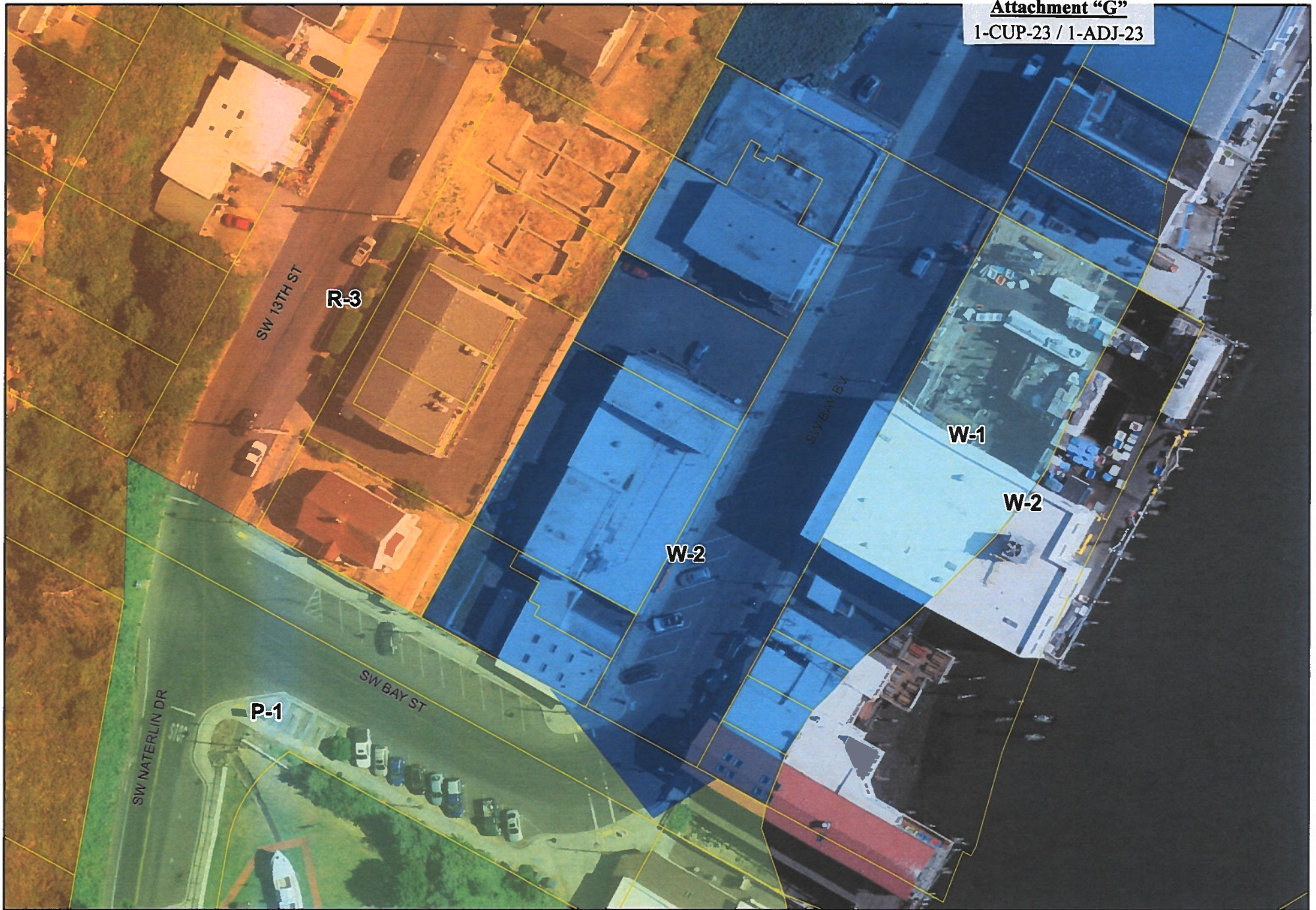
- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- MONUMENT SET: NAIL WITH BRASS WASHER MARKED "NYHUS SURVEY"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- △ MONUMENT FOUND: AS NOTED
- ( ) RECORD INFORMATION, AS NOTED
- ( ) RECORD INFORMATION: C.S. 18,723
- [ ] RECORD INFORMATION: PARTITION PLAT 1999-18

- (A) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", 0.1' BELOW GRADE (C.S. 12,228)
- (B) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)
- (C) FOUND: 5/8" IRON ROD, 0.2' BELOW GRADE (PP 1999-18)  
FROM WHICH:  
FOUND: LEANING 1/2" IRON ROD, FLUSH  
BEARS N64°12'E, 2.21 FEET (C.S. 8441)
- (D) FOUND: 1/2" IRON ROD, 0.4' BELOW GRADE (C.S. 8441)
- (E) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)
- (F) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)
- (G) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)
- (H) FOUND: 5/8" IRON ROD WITH ILLEGIBLE YELLOW PLASTIC CAP, FLUSH (PP 1999-18)



<b>NYHUS SURVEYING INC.</b> GARY NYHUS / STEVEN NYHUS PROFESSIONAL LAND SURVEYOR P.O. BOX 206 740 E. THISSELL RD. TIDEWATER, ORE 97390 (541) 528-3234		CHECK BY: SEN DRAWN BY: GAM DATE: 5-24-2018 SCALE: 1" = 20' PROJECT: 18090
DRAWN BY: GM MAPPING -GREG MURRY- (541) 528-7062 / 422SRV		



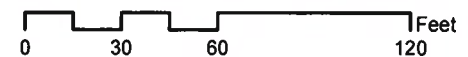


City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
Phone: 1.541.574.0629  
Fax: 1.541.574.0644

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

### Zoning Map 836 to 856 SW Bay Blvd






Image Taken July 2018  
4-inch, 4-band Digital Orthophotos  
Quantum Spatial, Inc. Corvallis, OR







### Legend

-  5 foot Contours
-  Storm Main
-  Sewer Main
-  Fire Hydrant
-  Water Main



**City of Newport**  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
Phone: 1.541.574.0629  
Fax: 1.541.574.0644

### Utility and Terrain Map 836 to 856 SW Bay Blvd

Image Taken July 2021  
4-inch, 4-band Digital Orthophotos  
Source: Lincoln County

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0 50 100 200 Feet





**Attachment "I"**

1-CUP-23 / 1-ADJ-23

Images of the Abbey Hotel (Constructed in 1911 and lost to fire in 1964)

Abbey Hotel, Newport Bayfront (1935)



Source: Lincoln County Historical Society Archive, Oregon State University. (08 Mar 2023). 1275 Abbey Hotel, Bay Blvd., Newport, OR Retrieved from <https://oregondigital.org/concern/images/df65vv83v>

Abbey Hotel, Newport Bayfront (1941)

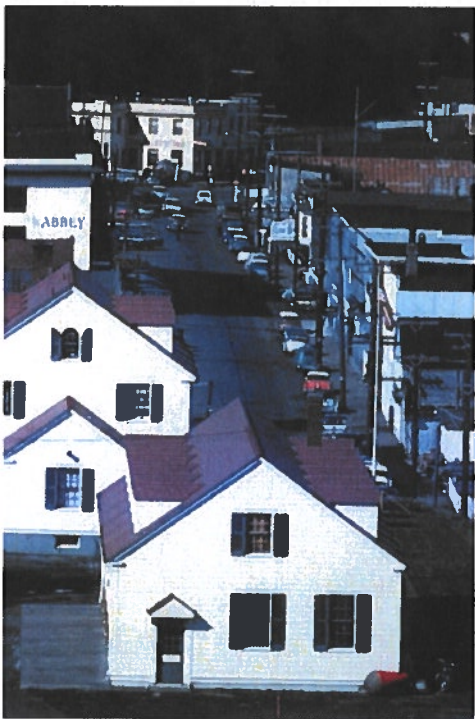


Source: Salem Public Library Historic Photograph Collections, Salem Public Library, Salem, Oregon.

Abbey Hotel Postcard (circa 1950's)



Bay Blvd., 1947, Newport, OR (Abbey Hotel in Background)



Source: Lincoln County Historical Society Archive, Oregon State University. (08 Mar 2023). *Bay Blvd., 1947, Newport, OR* Retrieved from <https://oregondigital.org/concern/images/df65vv86p>



**CITY OF NEWPORT  
PUBLIC NOTICE<sup>1</sup>**

**Attachment "J"**  
**1-CUP-23 / 1-ADJ-23**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Newport, Oregon, will hold a public hearing to consider the following Conditional Use Permit and Adjustment Permit request:

**File No. 1-CUP-23 / 1-ADJ-23**

**Applicant & Owner:** John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner)

**Request:** Consideration by the Planning Commission of a request for a conditional use permit and adjustment permit per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24.

**Location/Subject Property:** 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501).

**Applicable Criteria:** NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

**NMC Chapter 14.33.050**; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

**Testimony:** Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

**Reports/Application Material:** The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon,

<sup>1</sup> Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property according to Lincoln County tax records; (2) affected public utilities within Lincoln County; and (3) affected city departments.

97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address.

**Contact:** Derrick Tokos, Community Development Director, (541) 574-0626 (address above in "Reports/Application Material").

**Time/Place of Hearing:** Monday, March 13, 2023; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

**MAILED:** February 22, 2023.

**PUBLISHED:** March 3, 2023 /News-Times.

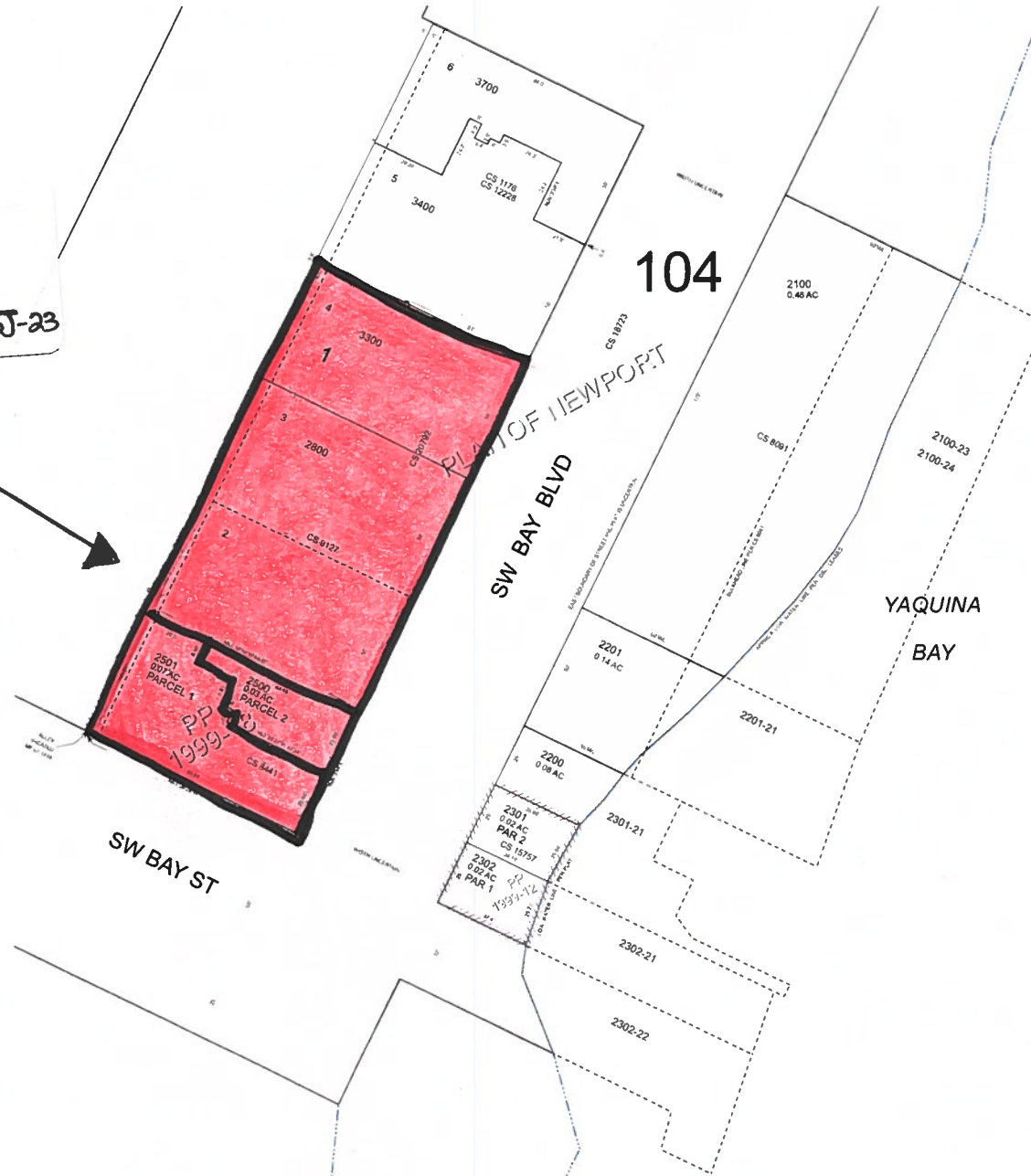
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet  
1" = 30'

DETAIL MAP NO. 1  
N.E.1/4 S.W.1/4 SEC.8 T.11S. R.11W. W.M.  
LINCOLN COUNTY  
1" = 30'

11 11 08 CA  
DETAIL MAP NO 1  
NEWPORT

Subject Properties  
File No. 1-CUP-23/1-ADJ-23



Revised: SEB  
06/01/2021

NEWPORT  
DETAIL MAP NO 1  
11 11 08 CA



795 SW BAY BLVD LLC  
113 SE BAY BLVD  
NEWPORT, OR 97365

BAKER JON P & BAKER LYNN D J  
38695 RIVER DR  
LEBANON, OR 97355

BAY BLVD LLC  
606 N TOMAHAWK ISLAND DR  
PORTLAND, OR 97217

BAY VIEW CONDOMINIUM  
ASSOCIATION OF UNIT OWNERS  
833 13TH ST SW  
NEWPORT, OR 97365

CAPRI DUSTIN J TSTEE & CAPRI  
AMANDA J TSTEE  
747 SW 13TH ST  
NEWPORT, OR 97365

CHENG HANN S & FEY LILLIE C  
818 SW 13TH ST  
NEWPORT, OR 97365

DRAGER WILLIAM G JR COTTEE &  
DRAGER RAEBETH C COTTEE  
2823 GOLDFINCH LP SE  
ALBANY, OR 97322

DUGAS LAWRENCE & DUGAS  
REBECCA  
5800 SE 4TH AVE  
NEW PLYMOUTH, ID 83655

DULCICH REALTY ACQUISITION LLC  
PO BOX 1230  
NEWPORT, OR 97365

ELSINORE INVESTMENTS LLC  
EGGERT CHARLES W  
18555 SW TETON AVE  
TUALATIN, OR 97062

ERLANDER J MARK  
1211 SW BAY ST  
APT A  
NEWPORT, OR 97365

KING EQUITY LLC  
1669 FLANNIGAN DR  
SAN JOSE, CA 95121

LAFRANCHISE JANINE  
833 SW 13TH ST  
APT #2  
NEWPORT, OR 97365

MCENTEE GABRIELLE  
PO BOX 717  
NEWPORT, OR 97365

NEWPORT REAL ESTATE LLC  
3 E RAMONA AVE  
COLORADO SPRINGS, CO 80905

NYE BEACH HOLDINGS LLC  
449 SE SCENIC LOOP  
NEWPORT, OR 97365

OCEANVIEW FISHERIES LLC  
PO BOX 507  
WALDPORT, OR 97394

ROLES WILMA E (TOD)  
834 SW 13TH ST  
NEWPORT, OR 97365

SMITH BEVERLY M TSTEE  
2455 S FIFTH ST  
LEBANON, OR 97355

STARLIGHT ONE LLC  
PO BOX 188  
BELLINGHAM, WA 98227

TAYLOR BRYCE R TRUSTEE & TAYLOR  
CARLY S TRUSTEE  
PO BOX 12247  
SALEM, OR 97309

UNITED STATES OF AMERICA US  
COAST GUARD DISTRICT 13  
915 2ND AVE  
SEATTLE, WA 98104

VEAL CONNECTION CORPORATION  
2250 LYNNE DR  
NORTH BEND, OR 97459

WISHOFF BRADDEN J & WISHOFF  
SALLY A  
18886 LAFAYETTE AVE  
OREGON CITY, OR 97405

YELTRAB FAMILY LLC  
845 SW 12TH ST  
NEWPORT, OR 97365

YOST PROPERTIES LLC  
939 SW BAY VIEW LN  
NEWPORT, OR 97365

JOHN LEE  
VIP HOSPITALITY GROUP  
13635 NW CORNELL RD, SUITE 100  
PORTLAND, OR 97229

File 1-CUP-23 / 1-ADJ-23

Adjacent Property Owners Within 200 Ft

NW Natural  
ATTN: Dave Sanders  
1405 SW Hwy 101  
Lincoln City, OR 97367

*Email: Bret Estes*  
*DLCD Coastal Services Center*  
*brett.estes@dlcd.oregon.gov*

CenturyLink  
ATTN: Corky Fallin  
740 State St  
Salem OR 97301

Central Lincoln PUD  
ATTN: Ty Hillebrand  
PO Box 1126  
Newport OR 97365

Charter Communications  
ATTN: Keith Kaminski  
355 NE 1<sup>st</sup> St  
Newport OR 97365

**\*\*EMAIL\*\***  
odotr2planmgr@odot.state.or.us

Lincoln County Human  
Services Dept  
ATTN: Sanitarian  
36 SW Nye St  
Newport OR 97365

Joseph Lease  
Building Official

Rob Murphy  
Fire Chief

Aaron Collett  
Public Works

Beth Young  
Associate Planner

Jason Malloy  
Police Chief

Steve Baugher  
Finance Director

Laura Kimberly  
Library

Michael Cavanaugh  
Parks & Rec

Spencer Nebel  
City Manager

Clare Paul  
Public Works

Derrick Tokos  
Community Development

David Powell  
Public Works

Lance Vanderbeck  
Airport

**EXHIBIT 'A'**  
**(Affected Agencies)**

**(1-CUP-23/1-ADJ-23)**

## CITY OF NEWPORT

### NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 13, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-23 / 1-ADJ-23, a request submitted by John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner), for a conditional use permit filed pursuant to Newport Municipal Code (NMC) Section 14.03.080/“Water-Dependent and Water-Related Uses” of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/“Water-Related” zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24. The property is located at 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501). The applicable criteria per NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

***FOR PUBLICATION ONCE ON FRIDAY, March 3, 2023.***



option tax of \$0.20 per \$1,000 of assessed value for five years beginning 2024-2027. This measure renews current local option taxes. SUMMARY: Approval of this measure would allow the District to retain a full time fire chief and pay expenses related to that position. The District has a full time fire chief. The chief is responsible for effectively managing the District and its resources, managing and training full time firefighters, complying with governmental regulations, adhering to industry standards, applying for grants and other responsibilities designated by the Board of Directors of the District. This levy is a continuation of levies approved by the voters in 2008 and 2012 and 2018. The rate of levy remains the same as previously approved at \$0.20 per \$1,000 of assessed value. The proposed rate will raise approximately \$115,128 in 2024-2025, \$115,128 in 2025-2026, \$121,715 in 2026-2027, \$121,715 in 2027-2028, \$125,336 in 2028-2029, \$125,336 in 2029-2030, \$129,128 in 2030-2031, \$129,128 in 2031-2032, \$132,928 in 2032-2033, \$132,928 in 2033-2034, \$136,728 in 2034-2035, \$140,528 in 2035-2036, \$144,328 in 2036-2037, \$148,128 in 2037-2038, \$151,928 in 2038-2039, \$155,728 in 2039-2040, \$159,528 in 2040-2041, \$163,328 in 2041-2042, \$167,128 in 2042-2043, \$170,928 in 2043-2044, \$174,728 in 2044-2045, \$178,528 in 2045-2046, \$182,328 in 2046-2047, \$186,128 in 2047-2048, \$189,928 in 2048-2049, \$193,728 in 2049-2050, \$197,528 in 2050-2051, \$201,328 in 2051-2052, \$205,128 in 2052-2053, \$208,928 in 2053-2054, \$212,728 in 2054-2055, \$216,528 in 2055-2056, \$220,328 in 2056-2057, \$224,128 in 2057-2058, \$227,928 in 2058-2059, \$231,728 in 2059-2060, \$235,528 in 2060-2061, \$239,328 in 2061-2062, \$243,128 in 2062-2063, \$246,928 in 2063-2064, \$250,728 in 2064-2065, \$254,528 in 2065-2066, \$258,328 in 2066-2067, \$262,128 in 2067-2068, \$265,928 in 2068-2069, \$269,728 in 2069-2070, \$273,528 in 2070-2071, \$277,328 in 2071-2072, \$281,128 in 2072-2073, \$284,928 in 2073-2074, \$288,728 in 2074-2075, \$292,528 in 2075-2076, \$296,328 in 2076-2077, \$300,128 in 2077-2078, \$303,928 in 2078-2079, \$307,728 in 2079-2080, \$311,528 in 2080-2081, \$315,328 in 2081-2082, \$319,128 in 2082-2083, \$322,928 in 2083-2084, \$326,728 in 2084-2085, \$330,528 in 2085-2086, \$334,328 in 2086-2087, \$338,128 in 2087-2088, \$341,928 in 2088-2089, \$345,728 in 2089-2090, \$349,528 in 2090-2091, \$353,328 in 2091-2092, \$357,128 in 2092-2093, \$360,928 in 2093-2094, \$364,728 in 2094-2095, \$368,528 in 2095-2096, \$372,328 in 2096-2097, \$376,128 in 2097-2098, \$379,928 in 2098-2099, \$383,728 in 2099-2100, \$387,528 in 2100-2101, \$391,328 in 2101-2102, \$395,128 in 2102-2103, \$398,928 in 2103-2104, \$402,728 in 2104-2105, \$406,528 in 2105-2106, \$410,328 in 2106-2107, \$414,128 in 2107-2108, \$417,928 in 2108-2109, \$421,728 in 2109-2110, \$425,528 in 2110-2111, \$429,328 in 2111-2112, \$433,128 in 2112-2113, \$436,928 in 2113-2114, \$440,728 in 2114-2115, \$444,528 in 2115-2116, \$448,328 in 2116-2117, \$452,128 in 2117-2118, \$455,928 in 2118-2119, \$459,728 in 2119-2120, \$463,528 in 2120-2121, \$467,328 in 2121-2122, \$471,128 in 2122-2123, \$474,928 in 2123-2124, \$478,728 in 2124-2125, \$482,528 in 2125-2126, \$486,328 in 2126-2127, \$490,128 in 2127-2128, \$493,928 in 2128-2129, \$497,728 in 2129-2130, \$501,528 in 2130-2131, \$505,328 in 2131-2132, \$509,128 in 2132-2133, \$512,928 in 2133-2134, \$516,728 in 2134-2135, \$520,528 in 2135-2136, \$524,328 in 2136-2137, \$528,128 in 2137-2138, \$531,928 in 2138-2139, \$535,728 in 2139-2140, \$539,528 in 2140-2141, \$543,328 in 2141-2142, \$547,128 in 2142-2143, \$550,928 in 2143-2144, \$554,728 in 2144-2145, \$558,528 in 2145-2146, \$562,328 in 2146-2147, \$566,128 in 2147-2148, \$569,928 in 2148-2149, \$573,728 in 2149-2150, \$577,528 in 2150-2151, \$581,328 in 2151-2152, \$585,128 in 2152-2153, \$588,928 in 2153-2154, \$592,728 in 2154-2155, \$596,528 in 2155-2156, \$600,328 in 2156-2157, \$604,128 in 2157-2158, \$607,928 in 2158-2159, \$611,728 in 2159-2160, \$615,528 in 2160-2161, \$619,328 in 2161-2162, \$623,128 in 2162-2163, \$626,928 in 2163-2164, \$630,728 in 2164-2165, \$634,528 in 2165-2166, \$638,328 in 2166-2167, \$642,128 in 2167-2168, \$645,928 in 2168-2169, \$649,728 in 2169-2170, \$653,528 in 2170-2171, \$657,328 in 2171-2172, \$661,128 in 2172-2173, \$664,928 in 2173-2174, \$668,728 in 2174-2175, \$672,528 in 2175-2176, \$676,328 in 2176-2177, \$680,128 in 2177-2178, \$683,928 in 2178-2179, \$687,728 in 2179-2180, \$691,528 in 2180-2181, \$695,328 in 2181-2182, \$699,128 in 2182-2183, \$702,928 in 2183-2184, \$706,728 in 2184-2185, \$710,528 in 2185-2186, \$714,328 in 2186-2187, \$718,128 in 2187-2188, \$721,928 in 2188-2189, \$725,728 in 2189-2190, \$729,528 in 2190-2191, \$733,328 in 2191-2192, \$737,128 in 2192-2193, \$740,928 in 2193-2194, \$744,728 in 2194-2195, \$748,528 in 2195-2196, \$752,328 in 2196-2197, \$756,128 in 2197-2198, \$759,928 in 2198-2199, \$763,728 in 2199-2200, \$767,528 in 2200-2201, \$771,328 in 2201-2202, \$775,128 in 2202-2203, \$778,928 in 2203-2204, \$782,728 in 2204-2205, \$786,528 in 2205-2206, \$790,328 in 2206-2207, \$794,128 in 2207-2208, \$797,928 in 2208-2209, \$801,728 in 2209-2210, \$805,528 in 2210-2211, \$809,328 in 2211-2212, \$813,128 in 2212-2213, \$816,928 in 2213-2214, \$820,728 in 2214-2215, \$824,528 in 2215-2216, \$828,328 in 2216-2217, \$832,128 in 2217-2218, \$835,928 in 2218-2219, \$839,728 in 2219-2220, \$843,528 in 2220-2221, \$847,328 in 2221-2222, \$851,128 in 2222-2223, \$854,928 in 2223-2224, \$858,728 in 2224-2225, \$862,528 in 2225-2226, \$866,328 in 2226-2227, \$870,128 in 2227-2228, \$873,928 in 2228-2229, \$877,728 in 2229-2230, \$881,528 in 2230-2231, \$885,328 in 2231-2232, \$889,128 in 2232-2233, \$892,928 in 2233-2234, \$896,728 in 2234-2235, \$900,528 in 2235-2236, \$904,328 in 2236-2237, \$908,128 in 2237-2238, \$911,928 in 2238-2239, \$915,728 in 2239-2240, \$919,528 in 2240-2241, \$923,328 in 2241-2242, \$927,128 in 2242-2243, \$930,928 in 2243-2244, \$934,728 in 2244-2245, \$938,528 in 2245-2246, \$942,328 in 2246-2247, \$946,128 in 2247-2248, \$949,928 in 2248-2249, \$953,728 in 2249-2250, \$957,528 in 2250-2251, \$961,328 in 2251-2252, \$965,128 in 2252-2253, \$968,928 in 2253-2254, \$972,728 in 2254-2255, \$976,528 in 2255-2256, \$980,328 in 2256-2257, \$984,128 in 2257-2258, \$987,928 in 2258-2259, \$991,728 in 2259-2260, \$995,528 in 2260-2261, \$999,328 in 2261-2262, \$1,003,128 in 2262-2263, \$1,006,928 in 2263-2264, \$1,010,728 in 2264-2265, \$1,014,528 in 2265-2266, \$1,018,328 in 2266-2267, \$1,022,128 in 2267-2268, \$1,025,928 in 2268-2269, \$1,029,728 in 2269-2270, \$1,033,528 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\$2,200,128 in 2577-2578, \$2,203,928 in 2578-2579, \$2,207,728 in 2579-2580, \$2,211,528 in 2580-2581, \$2,215,328 in 2581-2582, \$2,219,128 in 2582-2583, \$2,222,928 in 2583-2584, \$2,226,728 in 2584-2585, \$2,230,528 in 2585-2586, \$2,234,328 in 2586-2587, \$2,238,128 in 2587-2588, \$2,241,928 in 2588-2589, \$2,245,728 in 2589-2590, \$2,249,528 in 2590-2591, \$2,253,328 in 2591-2592, \$2,257,128 in 2592-2593, \$2,260,928 in 2593-2594, \$2,264,728 in 2594-2595, \$2,268,528 in 2595-2596, \$2,272,328 in 2596-2597, \$2,27



to the City of Newport Planning Department,

I Janine LaFranchise strongly object to the proposed hotel being built, file #1-CUP/1-ADJ-23 for these reasons.

1. Parking is already way past overload on the waterfront. The 47 rooms plus staff will only congest the area further.

2. A 6 foot setback on the west side of the property will impede any maintenance or repairs to the existing retaining wall.

3. Fish plants, with their traffic and trucks trying to navigate this area is almost impossible now. Do we want to

drive that industry out of this area?

Thank you for considering these points carefully.

Janine LaFranchise  
833 SW 13<sup>th</sup> ST #2  
Newport, Or. 97365  
541-974-0591

CITY OF NEWPORT

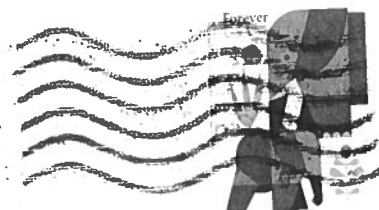
MAR 06 2023

RECEIVED

Janine LaFranchise  
833 SW 13th St. Apt. 2  
Newport, OR 97365-4873

PORTLAND OR 972

3 MAR 2023 PM 6 L



Newport Community Development Dept.  
169 SW Coast Hwy.  
Newport, Or. 97365

att: Derrick Tokas Community Dev. Dir.





**CITY OF NEWPORT  
RESOLUTION NO. 3864**

**RESOLUTION SETTING  
PARKING DISTRICT BUSINESS LICENSE FEES**

**WHEREAS**, at the request of area business owners, the Newport City Council adopted Ordinance Nos. 1993, 2009, and 2020 establishing the Nye Beach, City Center and Bayfront Commercial Parking Districts ("Parking Districts") to generate funding to pay for parking system improvements in the respective commercial areas; and

**WHEREAS**, each of the Parking Districts is an economic improvement district pursuant to ORS Chapter 223, funded through a business license surcharge and authorized for an initial five year period; and

**WHEREAS**, the effective period of these economic improvement districts was extended with Ordinance Nos 1993, 2078, 2098, and 2134, with the districts now set to expire June 30, 2019; and

**WHEREAS**, the latest round of extensions were undertaken to provide an opportunity for a parking study to be performed to establish whether or not the Parking Districts should continue in their current form or whether an alternative approach should be pursued to address each of the areas parking needs; and

**WHEREAS**, while the parking study is complete, and has been vetted and revised with the assistance of a citizen advisory committee, recommendations on how best to address parking needs, including parking management and funding strategies, have not yet been finalized; and

**WHEREAS**, it is in the public interest that business license surcharges imposed within the Parking Districts remain in effect until parking management and funding strategies are finalized in order to provide a seamless transition; and

**WHEREAS**, this can most effectively be accomplished by allowing the economic improvement districts to expire and instead impose business license surcharges under Section 4 of the City Charter and the City's Constitutional Home Rule authority, as implemented through Chapter 4.05 of the Newport Municipal Code; and

**WHEREAS**, NMC 4.05.030(C) establishes that business license annual fees shall be determined by City Council resolution and the fees set forth herein serve as a portion of the business license annual fee for businesses operating within the Parking Districts.

**THE CITY OF NEWPORT RESOLVES AS FOLLOWS:**

**Section 1. Parking Districts Established.** The boundary of the Parking Districts shall be as established with Ordinance No. 1993, 2009, and 2020, as amended, as graphically depicted on Exhibit A.

**Section 2. Parking District Business License Annual Fee.** The business license annual fee, framed as a business license surcharge in the fee schedule, shall be as follows:

**A. Nye Beach Parking District.**

Business provides no off-street parking spaces:	<b>\$250.00</b>
Business provides 1-3 off-street parking spaces:	<b>\$150.00</b>

All other businesses: \$100.00

B. City Center Parking District. \$35.00

C. Bay Front Parking District.

Fewer than 5 employees: \$150.00

5 to 20 employees: \$300.00

More than 20 employees: \$600.00

**Section 3. Relationship to Other Business License Fees.** Fees set forth in Section 2, are in addition to other business license fees collected pursuant to NMC Chapter 4.05.

**Section 4. Special Parking Area Requirements.** NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14).

**Section 5. Effective Date.** This resolution is effective immediately upon adoption.

Adopted by the Newport City Council on June 17, 2019



David N. Allen, Council President

ATTEST:



Margaret M. Hawker, City Recorder







MAR 10 2023

RECEIVED

**LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23****DATE: March 7, 2023**

VIP Hospitality and applicant (Charles Eggert, Elsinore Investments, LLC – who is the current owner of the site, have asked the City of Newport for a Conditional Use Permit (CUP) and Adjustment Permit for the proposed 47-unit hotel. The comments contained in this letter are the collective concerns of all the people who have signed the letter.

**APPLICABLE CRITERIA:****(A) The public facilities can adequately accommodate the proposed use.**

Newport faces water shortages every summer, and it is not going to get better, it will likely get worse. The fish processing plants use a tremendous amount of water for their seafood facilities. How will adding a 47-room hotel impact the availability of the water supply and sewage capacity for the existing business on the bay front?

**(C) The proposed use does not have an adverse impact greater than existing uses on nearby properties.**

- **PARKING:** Parking and increased traffic gridlock will indeed have an adverse impact on nearby properties and businesses. Typically, hotels have a 1:1 parking ratio; meaning there is one stall for each room. The initial plans submitted to the City of Newport reflected 46 parking stalls, comprised of 2 handicap, 19 standard, and 25 compact. The CUP application is asking for a reduction to 39 stalls. In conjunction with the decrease in the number of stalls, the applicants are asking for a **22% reduction** in the number of **standard sized** parking stalls to 13 and a **13% increase** in the percentage of **compact** parking stalls to 24. Have the developers ever spent one day on the bayfront to observe the makeup of vehicles parked on Bay Blvd? Most vehicles visiting the bay front, are large SUV's, trucks, extended cab trucks, and vans, and a small percentage are compact cars. During the summer and busy weekends, it is often difficult to drive either direction because these large vehicles block the path of oncoming vehicles. Gridlock happens on a very regular basis when a vehicle extends beyond the "cutoff" line of the street parking stall and blocks the ability of any vehicle to keep driving. The result is traffic backs up, sometimes for blocks, waiting for a gap in the oncoming so that the car can enter the oncoming lane to be able to go around the vehicle and continue driving. The request for 24 compact stalls is not a feasible configuration when you understand that people come to the coast with their families, dogs, and luggage packed in a SUV, truck or van.
- Where will the balance of vehicles park when the parking stalls are full? Right now, when parking is full on the bay front, overflow parking ends up on the residential streets above the bay front. SW 13<sup>th</sup> takes the brunt of it; cars are sandwiched in and block driveways while eliminating parking for owners and/or guests. Is a hotel patron going to carry their luggage up and down the hill to be able to stay in the hotel? There is talk that the Parking Committee is

discussing parking vouchers for the hotel in lieu of parking. If that is the case, it will take away parking from the customers of the small businesses located on the west end (and beyond) of the bay front. This is indeed an adverse impact for existing commercial and residential properties.

- If 39 vehicles are entering and exiting the parking garage *daily*, it will constitute literally a hundred “events” (per vehicle, one event is going into the garage, one event is leaving the garage and then another event to return to the hotel at the end of the day). That is 3 “events” per vehicle, per day, for 39 vehicles if parking is full. How can the bay front possibly accommodate this number of vehicles entering and exiting the parking garage?
- The seafood processing plants, particularly Bornstein Seafoods, will likely see an adverse impact from the additional traffic gridlock. Some of their employees currently use the parking stalls on Bay Blvd. during the night when working the nighttime shifts. While this is not a formal arrangement, it has been allowed for a long time. Also, the large, refrigerated trucks very often take up part of the east bound lane, which they need to do in order to load the seafood for transport. Many people overlook the fact that the bay front is a “working commercial bayfront” and is not just a tourist destination. The seafood processing plants are an extremely important aspect of the bay front and consideration should be given to the impact on their businesses due to the considerable addition of more traffic and more parking constraints. The City of Newport Comprehensive Plan: Neighborhood Plans address the parking issue on page 438. It states, “the fish plants need loading areas, both long and short term, and parking for their employees that work eight-to-twelve-hour shifts”.

In summary, the proposed parking configuration is not a feasible mix of standard and compact spaces, and the lack of a 1:1 parking ratio will add a tremendous amount of traffic gridlock to an already untenable approach to the parking problem on the bay front. More vehicles related to hotel guests will likely need to park on Bay Blvd and on the residential streets above the bay front because the majority of vehicles are larger than compact cars.

- **ROOM CONFIGURATION:** The proposal shows that on the 2<sup>nd</sup> floor, the room size is 201 square feet to 220 square feet in size. The 3<sup>rd</sup> floor room size is 300 square feet or more and is adequate for a family. The industry standard average for a hotel room is 300 square feet (or more); hotels with room sizes in the 200 square feet range are called “Micro-Hotels” and cater to singles and couples who mainly want a place to sleep at night. Micro-hotels, many with limited or no parking, have found a degree of success in the big cities like Portland, Seattle and San Francisco, because they have various forms of efficient mass transportation available outside their doors and the hotels are typically located in the downtown core or in dense neighborhoods centered around retail and restaurants.
- The maximum occupancy for a 200 square foot hotel room with a bathroom is 2 (two) occupants. As proposed, 43% of the rooms will only accommodate 1-2 occupants. The busy bay front is a not necessarily a draw for singles or couples seeking a peaceful place to stay. Families with kids are a large proportion of the tourists visiting the bayfront. (200 square feet is

equivalent to a 10 X 20 storage area, how many people want to stay in a room that small when at the beach?) People do like to have enough room to move around and linger. The only way to know if this configuration will work is through a Feasibility Study.

- **SITE LAYOUT:** The developers are asking for a 40% reduction of the required yard buffer to 6' along the west of the property line that is adjacent to the residential zone. A 6' buffer is NOT adequate if there is an issue with the retaining wall that separates the site from the residential properties. If repairs are needed, then how could anyone possibly have room to repair a retaining wall? This could constitute a very serious situation. It is also not enough of a buffer for the residential properties; a 6' distance from the residential property line impacts the residents of the adjoining properties adversely. This reduction should not be granted in consideration of these factors. Also, while the east side of the proposed building is shown abutting the property line, it leaves no room for the existing building (previously known as The Wood Gallery building) for any repairs or maintenance to the west side of the building for any reason. A portion of the existing Wood Gallery building is located on the property line; however the building has existed for decades. Cutting off all access to that section of the building has a substantial detrimental impact to the building repairs or siding replacement be needed in the future. In summary, it can be said that the development plans DO have an adverse impact on existing properties. (As a matter of reference, The Inn at Nye Beach, which is owned by one of the developers, sits on a larger site and has 38 rooms, 9 rooms *less* than this proposal.) The 47-room hotel project is *simply too big* for the footprint of the site.
- The design of the project does not contain one single historic element. It looks like a design that belongs in the downtown of a big city. Given that the site is located on the "Historic Bay Front" and as noted in the criteria of the City of Newport Comprehensive Plan, any new development must contain some element of historic design. The design was prepared by a California firm, and the proposed building looks exactly like a chain hotel (such as a Marriott Hotel) with absolutely no historic elements (except the name). The design of the building is clearly an urban design with and is absent any element of a coastal or historic design.
- The "City of Newport Comprehensive Plan: Neighborhood Plans, Bay Front plan, addresses historical design (and parking constraints) in several sections within the plan. I am referring to pages 424, 430, 438, 443, and 444 (see exhibits). Page 430 also discusses the importance of preserving the existing views related to the hillside above the bay front. It states, "the hillside above the Bay Front has been identified as very picturesque and worthy of preservation".
- The Newport Peninsula Urban Design Plan addresses automobile dependent development and states "will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city".
- Page 234, Waterfront District, also elaborates on the importance of the Waterfront District continuing to reflect the working class and historic character.

The City of Newport Community Development Department and the Planning Commission must require the developers (on any hospitality project on the bay front) to provide studies as to the parking impact

and feasibility of the parking and room configuration. Any lender who would consider financing a hospitality project would require these studies, which would include:

1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study would be performed by a 3<sup>rd</sup>-party independent consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers would need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal would warrant a 3<sup>rd</sup> party independent consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant negative impact and considerably exacerbate the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development as set forth under the Newport Comprehensive Plan and the Newport Peninsula Urban Plan. Newport has a need for more revenue, but that should not be the determining factor whether a project gets approved. The adverse impact this project would have on the bay front could not be undone. The fact that there was once a hotel on the bay front (where the parking lot is now across from the Abby Pier) doesn't justify adding a hotel now. The original Abby Hotel burned down in 1964 and traffic, parking and congestion issues have multiplied exponentially in the past 60 years. The application should be denied.

Charlotte Boker  
NEWPORT

Melanie Foltz

Jon Baker  
President Bay View  
Condo Owners Assc.

John Lindgren

Monica S. Lefatis

Gynndy Baker  
Newport

Danette LaFranchise  
newport





# Bay Front Plan\*

July 1, 1998

Prepared by

Department of Planning & Community Development  
City of Newport  
810 S.W. Alder St.  
Newport, Oregon 97365

\*Added by Ordinance No. 1811 (7-6-99)

Page 421. CITY OF NEWPORT COMPREHENSIVE PLAN: Neighborhood Plans.

## Introduction

### The Bay Front Plan

Located on the banks of the Yaquina Bay, the Bay Front offers a number of different environments for residents and visitors. Fishing, fish processing, retail, residential and tourist related uses all call the Bay Front home. A mixture of uses therefore typifies the development of the properties along Bay Boulevard.

The Bay Front was also one of the first areas on the Oregon Coast settled by Europeans. Much of that historic character still exists and has been enhanced by some new development. However, some development has not added to the attractiveness and historical nature of the Bay Front and detracts from the overall cohesiveness.

The Bay Front also experiences periods of intense activity (usually during the summer months) and periods of relative inactivity. During the active times, parking becomes a premium with many people and users competing for the limited number of spaces. Conversely, the inactive season experiences few problems with parking so people have little trouble parking relatively close to where they want to go but businesses struggle for lack of customers.

The Bay Front, a subarea of the City of Newport, lays on the north side of Yaquina Bay roughly between the Yaquina Bay Bridge and up to and including the Embarcadero Resort. It is an area that has historically been an active and integral part of the City and Lincoln County. Home to one of the largest fishing and fish processing industries on the West Coast, the Bay Front is also characterized by a strong tourist and residential sector. To provide a framework for the management of change and the promotion of growth, the City is preparing the Bay Front neighborhood plan to guide future development and redevelopment.

### Purpose

The Bay Front is an exciting and important area with many opportunities and challenges. As such, the Bay Front Plan will provide a framework in which development and redevelopment will be guided so as to achieve the objectives outlined in the plan. The Plan's main concerns are with land use changes, the physical, economic, social and cultural integration of the multiple uses and the preservation of the historic character.

of Marne. The house was built on the foundation of Dr. James R. Bayley's mansion and has been partially rehabilitated.

### Scenic Views

Although many scenic views exist on the Bay Front, at this time there are no officially designated scenic views. However, through discussions with various committees, the hillside above the Bay Front has been identified as very picturesque and worthy of preservation. This can be accomplished in a couple of different ways. One is to preserve the many street rights-of-way on the hillside in public ownership. Another is to require a geologic investigation into ramifications of any significant vegetation removal. Another is to require that, if removed, private owners should replace the vegetation removed to the greatest extent possible. It is recognized that there is private property that may be developed and nothing should prevent that from happening as long as health and safety issues can be addressed and mitigated. But, care should be taken to preserve the scenic vista that is now present.

### Open Space

The Bay Front has some lots that are currently vacant or underutilized and therefore may be considered open space at this time. However, open space does not refer to any parcel that is vacant. Open space means those areas that are targeted to remain open. There is no property on the Bay Front that is designated as truly open space. It is, however, important that the bluff above Bay Boulevard remain vegetated or have proper engineering to ensure stability of the slope.

### Mineral and Aggregate Resources

There are no known mineral and aggregate resources in the study area.

### Energy Sources

There are no known energy sources within the study area.

### Fish and Wildlife Areas and Habitats

There are no significant fish or wildlife habitats within the study area.

### Coastal Shorelands

Ocean Shorelands are defined as those areas:

1. Subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or a coastal lake;

## Future Development

### Introduction

As an area develops, certain physical, economic, and community issues arise and must be considered in the planning stage so that the new development has a positive impact on the neighborhood and the City. Haphazard or ill-conceived development can and often does detract from the quality of life cherished by residents, property owners and tourists. This does not mean that development will not occur. On the contrary, it is the intent of the land use program set up by the state and the City that development will take place within the established Urban Growth Boundary (UGB). So it is not a matter of whether development and change will occur but how. This section addresses how development will occur so that neighborhood and community goals can be maintained.

Basically, there are three types of development on the Bay Front. One is the fishing industry which includes fishing boats, fish processing plants and support industries. The second is the tourist commercial types of uses such as restaurants, gift shops, short term rentals and art galleries. Finally, there are residents primarily at the Embarcadero.

Of course to serve all those various uses the infrastructure must be in place to serve them. Streets, sewerage, water line and storm drainage are the common systems provided by the City but other utilities such as telephone, electricity, cable TV and natural gas are also needed to function in a modern society. All those facilities are available to the Bay Front.

### Transportation

Moving people and goods are an essential part of everyday life of any city. People need to reach places of work, education, health care, shopping, and recreation, and goods must be moved between the producer and the consumer. An efficient transportation system can widen access to opportunities for local people and assist the local economy. However, the growing demand for mobility is taking its toll on the community and environment. Traffic congestion is increasing, especially in popular places like the Bay Front. A sustainable transport system must be developed, balancing the needs of the neighborhood as well as meeting the travel needs of the whole community.

The City of Newport has developed a general Transportation System Plan (TSP) for the entire community and that document is by reference incorporated into this plan. The TSP however is relatively general and only addresses the major transportation systems citywide. The purpose of this section is to fine tune and supplement the TSP and deal with issues specific to the Bay Front neighborhood.



portion of Lee Street near 12<sup>th</sup> Street. In addition, minor changes and additions to crosswalks can help direct people to cross at safe locations. Two possible crosswalk improvements are at the Abbey Street Pier and the western end of the boardwalk. Those two crossings should be well marked to increase safety and direct pedestrians.

### Bicycle Facilities

There are currently no bicycle routes on the Bay Front and the width of the street and the development that is in place make it difficult if not impossible to provide a separate bicycle path or lane. However, the traffic on Bay Boulevard, especially during the summer months, moves slow enough that bicycles can easily share travel lanes with car and truck traffic. A shared lane is therefore the option from the Embarcadero to the Coast Guard station.

East of John Moore Road however the right-of-way is there to provide a bike lane especially if no parking is allowed along the street. This would also connect a bike land in the City to one that is outside the City along Yaquina Bay Road. That land goes all the way to Toledo (about 12 miles) and is very flat. The City's TSP shows that connection.

### Parking

Probably the biggest single issue for the Bay Front is parking. In fact, the meetings of the Steering Committee invariably lead to a discussion, sometimes lengthy ones, on parking. And it is not an issue of simple numbers. There are a number of users that have different needs for the parking that is available. The fish plants need loading areas, both long and short term, and parking for their employees that work eight to twelve hour shifts. The fishing industry needs parking that may be needed for four or five days while they are out on the ocean. The charter fishing industry needs parking that is up to 12 hours long and the tourist businesses need eight hour or longer parking for the owners and employees but a quicker turnaround on the two to four nature for customers. The tourist industry also needs loading and delivery space usually on a short term basis. And, in recent years, more buses of tourists are visiting the Bay Front to take advantage of the attractions in the burgeoning whale watching industry. All together it makes for an interesting mix of needs and users that often compete for the limited amount of parking available, especially during the summer months.

Table 1 shows the available parking and the type of that parking on the Bay Front between Bay Street and the Embarcadero. The parking inventory also includes some parking on Bay Street from Naterlin Drive to Bay Boulevard and on Fall Street from Canyon Way to Bay Boulevard. Those two streets provide a number of parking spots for people visiting the Bay Front. There is also a public parking lot on Canyon Way next to the Canyon Way Bookstore that has 47 spaces. There are plans to make that lot more efficient and do some minor expansion that may raise the total to 60 spaces. In addition, there are about 45-50 spaces along Canyon Way. The problem with those spaces is that they are up quite a steep hill from the Bay Front so access is limited.

Most of the development in the past years has been in the tourist industry. This means that those uses must go through a conditional use permit process in order to receive permission to operate. The disadvantage of that process is that it takes time for the applicant to go through it. The big advantage of the process is that the project can be reviewed for compliance with the goals and policies of the Bay Front. One of the major concerns when reviewing for compliance is the preservation of the historic character of the Bay Front. Without the conditional use process, there is no other mechanism to assure compliance. Because that issue is very important to the Bay Front the conditional use process should be retained (which means keeping the current zoning) or another mechanism, such as design review, should be instigated (which means developing another zoning tool). In any rate, the historic character of the Bay Front should be considered whenever a new project is being proposed. The character includes the physical appearance of the building, signing, lighting, the location of parking, and other design considerations.

There are three other areas, however, that should be considered for different zoning. One is the Port property between the Embarcadero and Douglas Street. The Port has a general plan that indicates that the property should be developed to a higher and better use. In conjunction, the plan contains a model site plan on how the property could be physically developed. The plan also calls for a mixed use type of development where some limited tourist facilities could be incorporated. This, however, would require that the property be rezoned to W-2. As long as the types of tourist uses is limited by the Port to be those that compliment rather than detract from the fishing industry, the idea is a good one. (There is also the added protection of the conditional use process and review by the Planning Commission for any tourist type of use.)

The second area is the Embarcadero property. It is currently zoned W-2 which means that the entire facility is a conditional use. This means that any expansion or change in use, regardless on how minor, requires a conditional use permit. That process seems unnecessary because the Embarcadero is a tourist facility and is likely to remain so for the foreseeable future. It makes sense to rezone that property to C-2, a zoning designation that fits the use. However, consultation with the Embarcadero ownership should proceed such a change.

The final possibility is to rezone the water side of Bay Boulevard from the Coast Guard Station to about Douglas Street from W-2 to W-1. The land side would remain W-2. This would afford greater protection of water dependent uses from encroachment of non-water related uses. A major disadvantage of this proposal is that many existing businesses would become nonconforming and subject to regulations contained in the Zoning Ordinance. This proposal therefore must be looked at very carefully before enactment.

## Public Art

Public art can greatly enhance the appearance of an area. It can also provide a focal point for other public activities such as concerts, art displays and other entertainment and socializing. On the other hand, if done wrong or with a particular self interest, public "art" can add to the visual clutter and detract from community goals. This is especially true with murals. Murals can

## **NEWPORT PENINSULA URBAN DESIGN PLAN<sup>1</sup>**

### **Findings:**

Newport's historic peninsula district is the heart of the city. The City of Newport anticipates that population, employment growth, and increased tourism on the peninsula, combined with automobile-dependent development, will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city. The peninsula's ability to accommodate change requires careful attention to urban design in order to preserve and strengthen the inherent qualities which have guided Newport's development to date. These summary findings are more fully developed in the Newport Peninsula Urban Design Study, which is incorporated herein as a background reference document and provides substantial evidence for these findings, policies, and implementation strategies. It is our key finding that is necessary to both stimulate and guide development in order to graciously incorporate change and preserve the peninsula as a wonderful place to live. Consequently, the following policies are adopted for the peninsula.

### **Policies:**

1. Preserve the beautiful natural setting and the orientation of development and public improvements in order to strengthen their relationship to that setting.
2. Enhance new and redeveloping architectural and landscape resources to preserve and strengthen the historic and scenic character and function of each setting.
3. Improve the vehicular and pedestrian networks in order to improve safety, efficiency, continuity, and relationships connecting the peninsula neighborhoods.
4. Coordinate with the Oregon Department of Transportation (ODOT) highway projects which are compatible with and responsive to these policy objectives and design districts implementing said policies.
5. Improve cohesion of each neighborhood subject to design district overlay by enhancing its function, character, and relationship to its natural setting and orientation.
6. Preserve and strengthen the ability of peninsula institutions to continue as centers

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<sup>1</sup> Chapter added by Ordinance No. 1677 (July 6, 1993).



characterized by land efficient parking and views of the Pacific Ocean and Yaquina Bay.

B. City Center North

City Center North shall be characterized by concentrating government buildings into a government center both east and west of U.S. Highway 101. It will serve as a gateway to the peninsula while linking with the Center in both function and character.

C. City Center South

City Center South shall focus on the Pacific Communities Hospital development. Development in this area shall be pedestrian and bicycle oriented, with effective linkages to the City Center and the U.S. Highway 101 Corridor.

2.) Waterfront District.

Historically, this area was the original development site with the City of Newport. Marine dependent industries--timber transport, fishing, etc.--were the first source of livelihood for early settlers and inhabitants and shall continue to be referenced in the design of the area. The Waterfront District shall continue to reflect the working class character of the commercial fishing industry. Appropriately, existing commercial buildings line both sides of Bay Boulevard and are of wood frame construction, clad with stucco, masonry and tin, covered with flat and gable roofs, 1 - 3 stories in height, with zero building setbacks. Many buildings have awnings, and some are built on pilings above the water. Piers project beyond the buildings. The historic character of the area is strong due to numerous intact, original buildings which date from the 1870's through the 1940's, and preservation of these historic buildings should continue to the extent possible. (At the intersection of Hatfield Drive and Bay Boulevard, the addition of contemporary buildings and lack of intact historic buildings has changed the character of the area to the east.) The U.S. Coast Guard Station/Ocean House Hotel Site is note-worthy architecturally as a unique building of the Colonial Revival style within the City of Newport. The location of this building on a bluff above the Waterfront District is an important aspect of its significance and shall be preserved.

3.) Nye Beach District.

The Nye Beach District is significant for the collection of cohesive architectural resources and landscape elements which reflect a working-class neighborhood. The area consists of wood frame buildings, 1 to 2½ stories in height, covered with gable and hip roofs, and clad with clapboard, shingle and/or fire retardant siding. The landscape character of the area is defined by rock walls, terraces, sidewalks, and small front lawns. There are some small scale commercial





CITY OF NEWPORT

MAR 13 2023

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March 9<sup>th</sup>, 2023**To: City of Newport Planning Dept.**

We the owners of Bayview Condominiums, the property adjoining the planned hotel construction on SW Bay Blvd, do hereby express our resolve to disallow any variances being granted for this project. Our wooden retaining wall located between the proposed hotel and our parking area is over 50 years old. We need room to access it for maintenance and repairs or replacement when needed. There would also need to be reasonable access to it for the fire department in case of fire.

There are also other issues including traffic and parking on our highly prized historic bay front. The fish processing there that supports our local economy has refrigerated semi trucks that park there for the night leave there refrigerated trailers running all night long. You can't imagine the complaints from the guests that will come immediately to the city. There is no historic value of any type that this project will add to our bay front. They need to provide more parking spaces than rooms to allow for guests, employees, and shoppers coming to their retail space.

Before any chance of this project being approved we would like copies of the traffic and parking impact studies that need to be presented to the entire local community and businesses impacted on the bay front. Then we would need a continuance prior to approval so we have time to consult with attorneys, Lincoln County Historic Committee, and land use specialists about filing a lawsuit.

In closing what we're hoping for is a chance for the tax payers to voice their concerns in a manner that is fair to all parties involved. That only seems fair to this town and tourists that support our local economy.



Jon Baker (President)  
Bay View Condos Owners Association

**Sherri Marineau**

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**From:** Adriana Buer  
**Sent:** Monday, March 13, 2023 1:16 PM  
**To:** Public comment  
**Subject:** Bayfront hotel

[WARNING] This message comes from an external organization. Be careful of embedded links.

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Newport Planning Commission:

As a concerned citizen, I am vehemently opposed to the proposal to build a hotel along the historic bayfront. The only ones benefiting from this proposal will be the owners and the builders. I don't see how this will be of any benefit to Newport residents or to the bayfront itself. The planning commission needs to address the needs and concerns of its residents prior to acquiescing to the desires of an owner that doesn't even live in Newport. Let's not put profit over people.

Sincerely,  
Adriana Buer

Sent from my iPhone



## LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23

**DATE: March 7, 2023**

VIP Hospitality and applicant (Charles Eggert, Elsinore Investments, LLC – who is the current owner of the site, have asked the City of Newport for a Conditional Use Permit (CUP) and Adjustment Permit for the proposed 47-unit hotel. The comments contained in this letter are the collective concerns of all the people who have signed the letter.

### APPLICABLE CRITERIA:

**(A) The public facilities can adequately accommodate the proposed use.**

Newport faces water shortages every summer, and it is not going to get better, it will likely get worse. The fish processing plants use a tremendous amount of water for their seafood facilities. How will adding a 47-room hotel impact the availability of the water supply and sewage capacity for the existing business on the bay front?

**(C) The proposed use does not have an adverse impact greater than existing uses on nearby properties.**

- **PARKING:** Parking and increased traffic gridlock will indeed have an adverse impact on nearby properties and businesses. Typically, hotels have a 1:1 parking ratio; meaning there is one stall for each room. The initial plans submitted to the City of Newport reflected 46 parking stalls, comprised of 2 handicap, 19 standard, and 25 compact. The CUP application is asking for a reduction to 39 stalls. In conjunction with the decrease in the number of stalls, the applicants are asking for a **22% reduction** in the number of **standard sized** parking stalls to 13 and a **13% increase** in the percentage of **compact** parking stalls to 24. Have the developers ever spent one day on the bayfront to observe the makeup of vehicles parked on Bay Blvd? Most vehicles visiting the bay front, are large SUV's, trucks, extended cab trucks, and vans, and a small percentage are compact cars. During the summer and busy weekends, it is often difficult to drive either direction because these large vehicles block the path of oncoming vehicles. Gridlock happens on a very regular basis when a vehicle extends beyond the "cutoff" line of the street parking stall and blocks the ability of any vehicle to keep driving. The result is traffic backs up, sometimes for blocks, waiting for a gap in the oncoming so that the car can enter the oncoming lane to be able to go around the vehicle and continue driving. The request for 24 compact stalls is not a feasible configuration when you understand that people come to the coast with their families, dogs, and luggage packed in a SUV, truck or van.
- Where will the balance of vehicles park when the parking stalls are full? Right now, when parking is full on the bay front, overflow parking ends up on the residential streets above the bay front. SW 13<sup>th</sup> takes the brunt of it; cars are sandwiched in and block

CITY OF NEWPORT

MAR 13 2023

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driveways while eliminating parking for owners and/or guests. Is a hotel patron going to carry their luggage up and down the hill to be able to stay in the hotel? There is talk that the Parking Committee is discussing parking vouchers for the hotel in lieu of parking. If that is the case, it will take away parking from the customers of the small businesses located on the west end (and beyond) of the bay front. This is indeed an adverse impact for existing commercial and residential properties.

- If 39 vehicles are entering and exiting the parking garage *daily*, it will constitute literally a hundred "events" (per vehicle, one event is going into the garage, one event is leaving the garage and then another event to return to the hotel at the end of the day). That is 3 "events" per vehicle, per day, for 39 vehicles if parking is full. How can the bay front possibly accommodate this number of vehicles entering and exiting the parking garage?
- The seafood processing plants, particularly Bornstein Seafoods, will likely see an adverse impact from the additional traffic gridlock. Some of their employees currently use the parking stalls on Bay Blvd. during the night when working the nighttime shifts. While this is not a formal arrangement, it has been allowed for a long time. Also, the large, refrigerated trucks very often take up part of the east bound lane, which they need to do in order to load the seafood for transport. Many people overlook the fact that the bay front is a "working commercial bayfront" and is not just a tourist destination. The seafood processing plants are an extremely important aspect of the bay front and consideration should be given to the impact on their businesses due to the considerable addition of more traffic and more parking constraints. The City of Newport Comprehensive Plan: Neighborhood Plans address the parking issue on page 438. It states, "the fish plants need loading areas, both long and short term, and parking for their employees that work eight to twelve hour shifts".

In summary, the proposed parking configuration is not a feasible mix of standard and compact spaces, and the lack of a 1:1 parking ratio will add a tremendous amount of traffic gridlock to an already untenable approach to the parking problem on the bay front. More vehicles related to hotel guests will likely need to park on Bay Blvd and on the residential streets above the bay front because the majority of vehicles are larger than compact cars.

- **ROOM CONFIGURATION:** The proposal shows that on the 2<sup>nd</sup> floor, the room size is 201 square feet to 220 square feet in size. The 3<sup>rd</sup> floor room size is 300 square feet or more and is adequate for a family. The industry standard average for a hotel room is 300 square feet (or more); hotels with room sizes in the 200 square feet range are called "Micro-Hotels" and cater to singles and couples who mainly want a place to sleep at night. Micro-hotels, many with limited or no parking, have found a degree of success in the big cities like Portland, Seattle and San Francisco, because they have various forms of efficient mass transportation available outside their doors and the hotels are typically located in the downtown core or in dense neighborhoods centered around retail and restaurants.

- The maximum occupancy for a 200 square foot hotel room with a bathroom is 2 (two) occupants. As proposed, 43% of the rooms will only accommodate 1-2 occupants. The busy bay front is a not necessarily a draw for singles or couples seeking a peaceful place to stay. Families with kids are a large proportion of the tourists visiting the bayfront. (200 square feet is equivalent to a 10 X 20 storage area, how many people want to stay in a room that small when at the beach?) The only way to know is through a Feasibility Study.
- **SITE LAYOUT:** The developers are asking for a 40% reduction of the required yard buffer to 6' along the west of the property line that is adjacent to the residential zone. A 6' buffer is NOT adequate if there is an issue with the retaining wall that separates the site from the residential properties. If repairs are needed, then how could anyone possibly have room to repair a retaining wall? This could constitute a very serious situation. It is also not enough of a buffer for the residential properties; a 6' distance from the residential property line impacts the residents of the adjoining properties adversely. This reduction should not be granted in consideration of these factors. Also, while the east side of the proposed building is shown abutting the property line, it leaves no room for the existing building (previously known as The Wood Gallery building) for any repairs or maintenance to that side of the building for any reason. Granted a small section of the existing Wood Gallery building is located on the property line, but the building has existed for decades. Cutting off all access to that section of the building has a detrimental impact to the building. In summary, it can be said that the development plans do have an adverse impact on existing properties. (As a matter of reference, The Inn at Nye Beach, which is owned by one of the developers, sits on a larger site and has 38 rooms, 9 rooms less than this proposal.) The 47-room project is simply too big for the footprint of the site.
- The design of the project does not contain one single historic element. It looks like a design that belongs in the downtown of a big city. Given that the site is located on the "Historic Bay Front" and as noted in the criteria of the City of Newport Comprehensive Plan, any new development must contain some element of historic design. The design was prepared by a California firm and looks exactly like a chain hotel (such as a Marriott Hotel) with no historic elements. The design of the building is clearly an urban design and with no iota of a coastal or historic design.
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The City of Newport Community Development Department and the Planning Commission must require the developers (on any hospitality project on the bay front) to provide studies as to the parking impact and feasibility of the parking and room configuration. Any lender who would consider financing a hospitality project would require these studies, which would include:

1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study should be obtained by a 3<sup>rd</sup>-party consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers will need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal warrants a 3<sup>rd</sup> party consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant impact on the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development and the application should be denied.

Charlotte Boxer  
NEWPORT

[Signature]  
NEWPORT

Robert Bentru

U. Hentner

Keenan Bishop

George Bishop

Brian Call

Lisa Caldwell

Sydney Horn

Pat. C. Page

Newport

NEWPORT

Sm<sup>c</sup> Clalbor  
Seal Rock

Scal Rock



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**Exhibits:**

**Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan**

**Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood**



Cynthia A.



Aug 2021

We drove through trying to find a parking place. This is around 3pm on a Thursday.

We passed the restaurant where we wanted to eat & kept going **BECAUSE WE COULDN'T PARK!!!**

There were some places to buy seafood & some shops. I can't tell you how much I liked them BECAUS

WE COULDN'T PARK!!!

**Get it together Newport, geez.**

*Roxanne Spring*

#### Exhibits:

Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan

Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood

#### WE COULDN'T PARK!!!!!!

Aug 2021

We were in the middle of trying to find a parking space. This is a very busy day.

We passed the restaurant where we needed to park and got going 550' N. B. ST. (1000')

There were no more spaces to park and we had to go back. I don't know what to do about this.

WE COULDN'T PARK!!!

Don't forget to take pictures.

- The Newport Peninsula Urban Design Plan addresses automobile dependent development and states "will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city".
- Page 234, Waterfront District, also elaborates on the importance of the Waterfront District continuing to reflect the working class and historic character.

The City of Newport Community Development Department and the Planning Commission must require the developers (on any hospitality project on the bay front) to provide studies as to the parking impact and feasibility of the parking and room configuration. Any lender who would consider financing a hospitality project would require these studies, which would include:

1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study should be obtained by a 3<sup>rd</sup>-party consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers will need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal warrants a 3<sup>rd</sup> party consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant impact on the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development and the application should be denied.

Charlotte Boxes  
NEWPORT

Valerie Borst

[Signature]

Lisley Sweater

Dorla Sweater

Racheth C. L. Prager  
Newport





P.O. Box 1146  
Gleneden Beach, OR 97388  
541-614-0964

[www.familypromiseoflincolncounty.org](http://www.familypromiseoflincolncounty.org)

Dear Derrick Tokos,

I am writing this letter in support of the development of property located on the Bayfront by VIP Hospitality. Family Promise of Lincoln County has been providing emergency shelter and supportive service programs since 2014 and work with families throughout Lincoln County. VIP Hospitality has been consistently a great partner to our nonprofit and to families within the community. From providing shelter at their hotels during the pandemic shutdown to investing in smart TV's for our hybrid parenting classes to donations of hygiene products, they are very committed to the communities that they operate in and it shows in ways small and large. Many of our families are able to find employment at one of their hotels with living wages and a family friendly environment in addition to the compassion and ability to have flexible schedules to continue working on their housing situation. Living wage employment with opportunity to grow in the hospitality industry is difficult to find and I sincerely wish more hotels would follow the lead of VIP Hospitality. The Bayfront property that VIP Hospitality is developing will only strengthen the community and Family Promise is very supportive of their continued investment in Lincoln County. Please don't hesitate to ask any questions or follow up on this email.

Many Thanks ~ Elizabeth Reyes

Elizabeth Reyes  
Executive Director

Your gift to FPLC is tax deductible as allowable by law, Federal Tax ID #46-0650800. We did not provide any goods or services for your contribution. See your tax advisor for advice regarding your donation.

Thank you for your support!

Building community, strengthening lives.



## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Monday, March 13, 2023 1:58 PM  
**To:** Sherri Marineau  
**Subject:** FW: Inn at Nye Beach Proposal

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**From:** Gervacio Galicia  
**Sent:** Monday, March 13, 2023 12:59 PM  
**To:** Derrick Tokos  
**Subject:** Inn at Nye Beach Proposal

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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You don't often get email from

ASIATICO WATERFRONT SUSHI  
875 SW BAY BLVD  
NEWPORT OR 97365  
03-13-2023

GERVACIO CASTILLO

OWNER/OPERATOR

Dear DERRICK TOKOS:

I am writing to express my support to the inn at nye beach  
proposal.  
bayfront

I think it will be nice to have more business on the SW

Sincerely,  
Castillo

Gervacio

**ADDITIONAL RESPONSE TO LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23**

**MARCH 13, 2023**

**Re: Developer Response dated February 9, 2023**

The developer has submitted two letters with two different narratives, both dated February 9, 2023.

- The first letter addresses the request for a 40% reduction in the back yard buffer to 6'. The developer states they are installing a new retaining wall so all worries should be cast aside. While on the surface it might seem a logical statement, what happens if there is an earthquake or a landslide? Bridges fail, levees fail and retaining walls fail (just look at what California is experiencing with the historic rainfall). How do the developers plan on maintaining the back side of their building? There also needs to be consideration for the adjoining property owner to be able to repair and maintain the 33' of building that abuts the west property line. If the developers are granted permission to a 6' buffer of the west (back) side and no setback on the west side, then there is indeed an adverse impact to existing properties.
- Additionally, **6' is absolutely not enough** of a buffer for the residential zone (the Bayview Condos located directly above the proposed hotel). The value of the real estate related to the condominiums in that building will be impacted so negatively that it may be almost impossible to sell the units. The hotel would only be 6' from the property line and literally 12' from their decks.
- The first and second letter appears to **erroneously states they will be providing 46 parking stalls**. The CUP is asking for a reduction in standard size stall to 13 + an increase to +24 in the compact stalls, +2 handicap stalls; the total is **39 stalls and not 46**. 39 stalls for 47 rooms is not considered adequate parking, particularly in light of the number of the compact stalls. In a tourist town which is an auto dependent means of transportation should maintain a 1:1 parking ratio in locations where most travel is auto dependent, and in light of the fact there is NO mass transit readily available. This project will likely increase the traffic issues to an unsustainable level where tourists will decide to avoid the bay front because of the parking and traffic congestion.
- In the second letter the developers state that the project design meets the criteria for the historic design. If you compare the design of the proposed hotel to the design of the former Abby Hotel, it would be difficult to state that there are

similarities in design other than both would be 3-stories. The developer states “the appearance and design of the building will enhance the overall quality of the area. How? It looks like a chain hotel in an urban location. As presented it represents “overbuilding” of the site based on the footprint and the number of rooms. To say it will encourage higher quality developments is a big stretch. This is an urban design that belongs in an urban setting and not on the Historic Bay front.

- The developer states the building conforms with the 35’ height limitation, which the building itself does, but the stairwell shaft extends 4 ½ feet and the elevator overrun extends another 8 feet above the building. Building codes may allow this because the actual building is 35’, but the addition of the stairwell shaft and elevator overrun additionally impact the residential zoning for the properties above the proposed project.
- While the seafood processing plants are 35’ in height, they are a waterfront industrial use of the buildings. The seafood processing plants are an integral part of the bay front and the commercial fishing industry.

**The project is simply too big for the site and too big for the bay front, and as such, does have an adverse impact on the surrounding properties.**

(As just an FYI, I lived in the upstairs apartment next door for 2 years when I relocated from Lincoln City to Newport. The bayfront is a noisy location day and night from the seafood processing plants, the refrigerated trucks that sit out front and run their refrigeration all day and all night (which is very loud), add in the traffic congestion all day long, horn honking and engines starting up and it equates to a noisy environment. Many of the Trip Advisor and Yelp reviews state there is a fishy smell (those reviews considered it a negative) in the air, and of course there is because of the fish processing plants. Most tourists come to the beach to linger in their rooms after a day of sightseeing or being at the beach, watch the sunset and enjoy a peaceful night’s sleep. This hotel will not afford the same ambiance to its guests. It is worth noting.)

Charlotte Boxer  
Newport

## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Monday, March 13, 2023 2:46 PM  
**To:** Sherri Marineau  
**Subject:** FW: Proposal for retail space and hotel on Newport Bayfront

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**From:** Latta Glass  
**Sent:** Monday, March 13, 2023 2:24 PM  
**To:** Derrick Tokos  
**Subject:** Proposal for retail space and hotel on Newport Bayfront

**[WARNING]** This message comes from an external organization. Be careful of embedded links.

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You don't often get email from [REDACTED]

Dear Sir,

I am writing to support the VIP Hospitality Group in their proposal for retail space and a small hotel on the Newport Bayfront at the site where the Apollo Night Club, a gallery, and a restaurant used to be.

I think it is a refreshing idea. Yes, we have a working seaport, but it is undeniable that the Newport Bayfront is also a tourist area. This tourist area brings a lot of revenue and visitors to the City of Newport.

I support another business that would be a draw for visitors to the Newport Bayfront and offer accommodations. Historically, there has been a hotel here and would be a great addition.

Thank you for your work on addressing the parking situation. It is my observation that most of the parking is taken by employees of businesses on the Bayfront. Businesses that could easily provide shuttle services to their employees.

Thank you for your consideration,

Mary Young  
Manager of Latta's Fused Glass  
541-265-9685

March 13, 2023

Re: Project 836-856, SW Bay Blvd.

To: The City of Newport Planning Commission,

I have read the report by the Planning Staff report recommending approval of this project, including approval of a 30% reduction in the parking requirements from 63 parking spaces to 46 spaces.

I recommend that the Planning Commission decline to approve the Conditional Use Permit until the project meets all existing requirements, in particular the parking requirements. The primary reason the parking issue is so important is that this Permit will result in exacerbating the well-known traffic and parking problems on the Bayfront, which will immediately adversely affect the workers at the fish processing plants, the tourists on the Bayfront and therefore the processing plants and retailers themselves. The fishing industry's economic health is essential to virtually every aspect of Newport's economy: the processors, the tourists, the NOAA ships, the Hatfield Marine Science Center, etc.

The staff recommendation that the hotel advise guests of the limitations of on-site parking, and/or that the hotel restrict vehicles that are too large to be accommodated is unlikely to change the hotel guests' behavior. Instead the proposed hotel will be further exacerbating the parking problems on the Bayfront. It is not just reasonable but necessary that the Council avoid allowing any disruption to the workers, the processors, and the tourists.

The developers have the option of designing a hotel project that complies with the parking requirements of the development code.

Sincerely,

Tom Briggs,

118 SW High St., Newport

CITY OF NEWPORT

MAR 13 2023

RECEIVED

2:28 PM



March 13, 2023

Derrick Tokos  
City of Newport, Planning Commission  
169 SW Coast Highway  
Newport, OR 97365

Dear Derrick and Commission,

We'd like to express our appreciation and support for VIP Hospitality Group. We have come to know VIP Hospitality Group and their management teams to be engaged, responsible, and charitable community members.

Through their properties in Lincoln County, including Inn at Nye Beach and The Ocean House in Newport, and Inn at Wecoma, Surfland Hotel, and The Coho Oceanfront Lodge in Lincoln City, VIP Hospitality Group has supported projects and programs which are critical to the health and well-being of our community members. For example, they have generously donated to the Pacific Communities Health District Foundation's Patient Support Funds which help provide financial assistance to our most vulnerable populations for necessities like stop-gap prescriptions, transportation to medical appointments, nutrition, and more. They are also strong supporters of the Samaritan Treatment and Recovery Services center, a residential and intensive outpatient center for adults with substance use disorder, which is currently being created in the north Agate Beach area.

We are pleased to partner with companies in Newport that reflect values similar to our values of Passion, Respect, Integrity, Dedication and Excellence. We are both grateful and wholeheartedly supportive of their organization.

Please don't hesitate to contact me if you have any questions.

Warm regards,

Karla Clem  
Senior Development Specialist

# Tentative Planning Commission Work Program

*(Scheduling and timing of agenda items is subject to change)*



February 13, 2023

Work Session

- Review Draft Housing Production Strategy Component of Housing Study (Part II)
- Draft City Council Goals for Fiscal Year 2023/24
- Recent News-Times Change to Publications and Impact on Land Use Actions

February 13, 2023

Regular Session

- File 5-CUP-22 Final Order and Findings on Conditional Use for Relief from STR Spacing Standards
- File 5-Z-22 Continued Hearing on Ordinance No. 2202 – STR Work Group Recommendations

February 27, 2023

Work Session

- Reception for Outgoing Chair/Commissioner Jim Patrick

February 27, 2023

Regular Session

- File 1-CP-23, Amendment to Comprehensive Plan Historic Inventory (1886 Building)

March 13, 2023

Regular Session

- File 1-CUP-23/1-ADJ-23, Hearing on new 3-Story Commercial & Hotel Use on Bay Blvd (Former Apollos Site at Bay Street and Bay Blvd)

March 27, 2023

Work Session

- Review Draft Multi-Family/Commercial Trash Enclosure Standards
- Update on Status of Yaquina Bay Estuary Plan Update
- Results from Housing Production Online Survey

March 27, 2023

Regular Session

- File 1-CUP-23/1-ADJ-23, Final Order and Findings on new 3-Story Commercial & Hotel Use on Bay Blvd (Former Apollos Site at Bay Street and Bay Blvd)
- File 1-NCU-23, Hearing on Non-Conforming Use Alteration to Install a 9-ft Diameter, 40-foot Tall Enclosed Flare at NW Natural Facility
- File 1-SUB-23/1-VAR-23/2-GP-23 Hearing on Fisherman's Wharf 11 Lot Subdivision

April 10, 2023

Work Session

- Update on Status of South Beach Island Annexation Process
- City Center Revitalization Project Update (Consultant to be under contract in March)
- Draft Amendments to Special Parking Area Regulation (Relates to Bayfront Pkg Mgmt Plan)

April 10, 2023

Regular Session

- Review and Provide Recommendation on Final Housing Production Strategy Actions
- File 1-NCU-23, Final Order and Findings on NW Natural Non-Conforming Use Alteration to Install a 9-ft Diameter, 40-foot Tall Enclosed Flare
- File 1-SUB-23/1-VAR-23/2-GP-23 Final Order and Findings on Fisherman's Wharf 11 Lot Subdivision
- File 2-CUP-23 Hearing on Conditional Use Permit Application by South Beach Church

April 24, 2023

Work Session

- Discuss Scope of Land Use Amendments to Facilitate Needed Housing (An HPS Recommendation)
- Follow-up Review of Amendments to Special Parking Area Regulations

April 24, 2023

Regular Session

- File 2-CUP-23 Final Order and Findings on Conditional Use Permit Application by South Beach Church
- Public Hearing on Multi-Family/Commercial Trash Enclosure Standards